Hate Crime: Causes, Motivations and Effective Interventions for Criminal Justice Social Work

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Acknowledgements

Executive Summary

Background to the review

Hate crime definition - "a crime motivated by malice or ill will towards a social group", with five protected characteristics in Scottish legislation – race, religion, sexual orientation, transgender identity, and disability. The motivation of the perpetrator is key (Police Scotland; Scottish Government).

- **Increase in hate crime reports** - Edinburgh has seen an increase of all reported hate crimes over the last five years. National and international events, as well as political climates and media rhetoric, can influence rates of hate crime, with a reported spike in hate crime following the European Union Referendum vote.

- **Harms of hate crime** - research indicates that the trauma experienced by victims of hate crime can be more enduring and harmful than non-hate related offending, and hate crime also has detrimental effects on communities as well as individuals.

- **Tackling hate crime** - "absolute priority" for Police Scotland, as well as the recent announcement of the review of existing hate crime legislation in Scotland by Lord Bracadale to ensure it is fit for purpose.

- **Criminal Justice Social Work (CJSW)** - how can we strengthen our response in order to reduce the harm caused to victims and communities, and promote the rehabilitation and reintegration of offenders? Current Senior Practitioner role to undertake research into hate crime and explore effective interventions with perpetrators. This document provides a summary of the literature review which was subsequently produced.

- **Methodology** - review of relevant literature, both academic and policy-related, gathering of Edinburgh CJSW data, speaking to practitioners currently working with hate crime perpetrators, and consulting relevant stakeholders and professionals. Guidance was provided via the University of Edinburgh's Knowledge Exchange Fellowship.

- **Lack of CJSW research** - it is apparent from the literature reviewed that there is a distinct lack of research pertaining to Criminal Justice Social Work and how it fits in to the landscape of tackling hate crime.

Summary of findings

Scope and Nature of Hate Crime

- **Definitional issues with the term 'hate'** - perpetrators may not be truly motivated by *hate* for their victims, and there is potential for obscuring the everyday, 'ordinary' experiences of prejudice that people may encounter.

- **Type of hate offences** - can range from verbal abuse, damage to buildings and property, 'minor' violence, sexual offences, exploitation, and very serious violence. Just under half of hate crime victims will know the perpetrator, increasing as much as 75% for anti-LGB hate crime.

- **'Intersectionality' adds to the complexity of hate crime** - victims may be targeted due to more than one of their identity characteristics.

- **Hate crime and hate speech on the internet** - this is an increasing issue; yet it is unknown if the sharing of hate-based ideologies online leads to offending behaviour in the physical world.

- **Extremist or "mission" offenders** - constitute a very small proportion of hate offenders but they can serve to instil fear and anxiety amongst minority communities and can influence wider ideologies and 'justify' other forms of hate offending.

- **Gender and the concept of "gendered masculinity"** - this is important when considering hate crime, and there can be differential experiences for minority ethnic and LGB women who experience hate crime.

- **Edinburgh CJSW data** - 12.4% of the CJSW Reports for Courts completed in 2015-16 were for a hate offence (236 out of 1900 reports). A Supervision Requirement as part of a Community Payback Order was the most common outcome (30 recorded Orders), and there was very little use of compensation as a recommended option or disposal. The small group of practitioners consulted highlighted a gap in their knowledge of hate crime, risk assessment, and interventions in this area of practice.

Causes of Hate Crime

- **The role of prejudice** – hate crime is at the 'extreme end' of prejudice.

- **Different causes of hate crime** - the formation of prejudice and prejudice-related offending can occur at individual and structural levels, linking to the role of shame, social hierarchies, 'ingroups' and 'outgroups', socio-economic disadvantage, perceptions of threat and loss, and peer group influences, as well as wider political rhetoric and the media.

Characteristics and a Typology of Hate Crime Offenders

- **The demographics of hate crime perpetrators** - some consensus in the literature on a significant proportion of these being young, white males who may be unemployed or in low-income employment, with their offending potentially exacerbated by substance use and with previous convictions for general offending. Nonetheless, reducing offenders to a certain type or category is cautioned against

due to the range of offenders, offences, and causal factors we may deal with.

- **A 'typology' of hate crime offenders** - proposed by McDevitt et al in 2002: *Thrill-Seeker*; *Defensive*; *Retaliatory*; and *Mission* offenders, with thrill-seekers being the most common. This does not fully account for offences against disabled people, where exploitation may be a key motivation.

Risk Assessment and Risk Factors

- **Very little research on risk assessment and hate crime perpetrators** - the review mainly draws on the work undertaken by the London Probation Trust in this area.

- **Dynamic risk factors** - offenders tend to minimise and deny the aggravated offending and engage in victim-blaming; have an absence of victim empathy and distorted sense of provocation, leading to a tendency towards violence as a form of conflict resolution; and have a sense of entitlement and alienation and a poor sense of their own identity, as well as a distorted idea about the victim and perceived difference.

- **Risk assessment should be multi-agency** - including housing and anti-social behaviour teams where relevant, and include some form of checklist or questionnaire in an attempt to measure offenders' levels of prejudice at the pre-sentence stage. The level of intervention required, and the need for focused work on the hate element of the offending, is then determined. A full assessment is significantly aided by access to victim statements, which does not occur with CJSW in Scotland.

- **Restorative justice and risk assessment** - current risk management processes should not hinder the application of restorative justice or practices with victims and offenders.

'What Works' with Hate Crime Interventions

- **An overview of nine hate crime interventions for perpetrators** - (in Scotland, England, and Northern Ireland) highlighted that the main Scottish programme, ADAPT, is not widely-known amongst practitioners, and the only Scottish-based hate crime programme within a custodial environment is no longer in operation.

- **Limited research and evaluations** - It is evident that there has been very limited research and evaluation undertaken in relation to the true efficacy of most of the programmes.

- **Key features of 'successful' interventions** - the incorporation of cultural/diversity awareness (although the educative aspect is counterbalanced with a caution not to stray into 'preaching' to offenders); reflecting on attitudes and beliefs; and the impact of hate crime on victims and communities will be essential to any intervention.

- **One-to-one work is viewed as most effective** - with the potential for offering groupwork should this be deemed necessary and appropriate.

- **Addressing the wider causal factors related to offending in general** - this is of key importance i.e. addressing criminogenic and other needs and promoting the rehabilitation and reintegration of offenders, as with all CJSW interventions.

- **The addition of restorative practices** - (for example, as part of the 'empathy stage' of an intervention) could lead to better outcomes for victims and a potential reduction in analogous offending.

- **Restorative Justice and Hate Crime pilot** - this is therefore being proposed for CJSW in Edinburgh to bring together perpetrators and victims in an attempt to address the harm caused.

Practitioner Skills, Knowledge and Values

- **Existing skills, knowledge and values in working with hate crime perpetrators** - CJSW staff in Edinburgh already possess these. The work has parallels with working with domestic and sexual offenders.

- **Supervisory relationship with offenders** - practitioners should build a supervisory relationship characterised by trust, acceptance, understanding, a non-judgemental/non-labelling approach, pro-social modelling, and appropriate challenging.

- **Establish ground rules and boundaries** - particularly around use of language and attitudes, but allow the offender to identify and express their prejudices as part of the intervention – maintain a balance between this and appropriate challenging.

- **Utilise a structured intervention** - such as Anti-Discriminatory Awareness Practice Training, and undergo hate crime awareness training as well as being trained in the intervention.

- **Make good use of staff supervision** - to discuss the work and any professional or personal issues that may arise from it, potentially in particular for staff with the protected characteristics.

Recommendations

- **Legislative review** - Criminal Justice Social Work should remain up-to-date with any changes in legislation, and where possible feed into the review of legislation as a service at the forefront of working with perpetrators, as well as maintain a presence on any local and national strategic groups relating to hate crime and the Community

Justice Scotland Hub for knowledge, innovation and learning.

- **Training** - it will be beneficial for practitioners to undergo training in relation to the nature, harms, causes, and motivations of hate crime, to aid assessment and intervention with hate crime perpetrators, as well as the ADAPT intervention.

- **Risk assessment** - the development of a more robust risk assessment in relation to hate crime offenders will be important, finding an appropriate measure to assess prejudice at the pre-sentence stage. Importantly, gaining access to victim and witness statements would serve to enhance risk assessment and intervention with this client group and provide a more credible response to the Courts.

- **Brief intervention** - there may be scope for the development of a 'brief intervention' in relation to low-level hate crime, whether this be part of a diversionary scheme or a short community order. Further discussions with the Crown Office and Procurator Fiscal Service in examining the feasibility of a diversion scheme could also be of benefit.

- **Restorative Justice** - further research into the feasibility of restorative justice measures with hate crime offenders will be essential, given the proposed Restorative Justice and Hate Crime pilot for Edinburgh and the onus to engage with victims and communities.

1. Glossary of Criminal Justice Social Work Terms

APSC: Alcohol Problem-Solving Court – a pilot scheme offering offenders with significant alcohol issues a specific assessment for a CPO with supervision to address their alcohol use and related offending, in partnership with the Edinburgh and Midlothian Offender Recovery Service.

Caledonian Programme: A service working with male perpetrators of domestic abuse (groupwork and individual work) subject to a CPO; a service is also offered to the partner/victim.

CIT: Community Intervention Teams – Criminal Justice Social Work teams comprising CJSWs and managers working with offenders age 18+ across Edinburgh (with the exception of those working with the DTTO and Resettlement Teams – see below).

CJSW: Criminal Justice Social Work.

CJSWs: Criminal Justice Social Workers.

CJSWR: Criminal Justice Social Work Report – prepared at the pre-sentence stage for the Courts by a Criminal Justice Social Worker to assist the sentencing process, and to provide information on CJSW interventions and how these may impact upon offending behaviour.

CPO: Community Payback Order – an order imposed by the Court aimed at addressing offending behaviour and/or undertaking unpaid work in the community; of six months-three years duration. CJSWs most commonly work with offenders subject to a 'Supervision Requirement' as part of a CPO.

Diversion: A specific CJSW team involved in completing assessments for offenders diverted from prosecution, and reporting back to the Procurators Fiscal.

DTTO: Drug Treatment and Testing Order – an order imposed by the Court aimed at assisting offenders to reduce their drug use and related offending.

EPP: Edinburgh Payback Project (now entitled 'Men's Group') – offers groupwork and 1:1 work with males aged 18+ convicted of general offending and subject to a CPO.

LS/CMI: Level of Service/Case Management Inventory – the risk assessment tool used by CJSWs in Scotland to assess risk and need factors for offenders, and create a Case Management Plan should the offender be subject to supervision in the community.

Resettlement Team: as with CIT but managing homeless/rootless offenders and a higher proportion of offenders in custody.

ROLO: Restriction of Liberty Order – an order imposed by the Court which involves a curfew and electronic monitoring (sometimes colloquially referred to as a 'tag').

Supervised Release Order (SRO): When a sentence of at least one year and less than four years in prison is imposed by a Court, an SRO (not exceeding 12 months) may be made. The offender must therefore be supervised by a CJSW upon release on the SRO.

Willow Service: A CJSW/NHS trauma-informed multi-disciplinary partnership service working with female offenders on a voluntary and statutory basis.

2. Introduction

Reports of hate crime in Scotland have continued to rise, with Edinburgh seeing an increase of all reported hate crimes over the last five years. National and international events, as well as political climates and media rhetoric, can influence rates of hate crime, with a reported spike in hate crime following the European Union Referendum vote (Weaver 2016). Furthermore, research indicates that the trauma experienced by victims of hate crime can be more enduring and harmful than non-hate related offending, and hate crime also has detrimental effects on communities as well as individuals. It is therefore apparent from contemporary research that there should be an emphasis on the reduction and prevention of hate crime, with Police Scotland stating that tackling hate crime is an "absolute priority" (Police Scotland 2016; BBC News 2016), and the recent announcement of the review of existing hate crime legislation in Scotland to ensure it is fit for purpose (Scottish Government 2017).

There is a clear role for Criminal Justice Social Work (CJSW) in working with the perpetrators of hate crime in order to reduce harm to victims and communities, and promote the rehabilitation and reintegration of offenders. As such, the CJSW service in Edinburgh decided to use Section 27 funding, provided by the Scottish Government to support community sentences, for a Senior Practitioner role to undertake research into hate crime and strengthen the social work response. From the review of the literature, including very recent Scottish-based reviews exploring the prevention of and responses to hate crime, there is no mention of CJSW services and the central role they occupy in this area of policy and practice. When referring to criminal justice agencies within documents, this is largely pertaining to the police, Courts, and the Crown Office and Procurator Fiscal Service – there is a distinct lack of focus on how CJSW fits in to the landscape of addressing hate crime. This research will identify the ways in which CJSW can work effectively with hate crime perpetrators across Edinburgh and strive to increase best practice in this area, with the aim of reducing recidivism rates in this category of offending and the harm caused by hate crime. It will also indirectly aim to contribute to providing Courts with an increasingly informed, robust and credible alternative to custody for this type of offending. The research will enhance the existing knowledge, skills and approaches of CJSW practitioners that can be utilised by staff across the city (and perhaps be generalisable to the rest of Scotland) as an

aid to working with perpetrators of hate crime. This will be achieved by reviewing relevant literature, as well as discussions with relevant stakeholders and CJSW practitioners.

This literature review therefore has the following aims and objectives:

- To define 'hate crime' and highlight the complexities around definitions;

- To gain an understanding of the scope and nature of hate crime in Scotland and Edinburgh, and in CJSW within Edinburgh, with a brief outline of the harms of hate crime;

- To explore the causes of hate crime, including individual and wider structural causation, and to outline the demographics and a typology of hate crime perpetrators including an exploration of risk assessment in this area of practice;

- To outline existing hate crime perpetrator programmes and explore what can be learned from these and taken forward in relation to effective interventions;

- To explore 'best practice' for practitioners in this area of work and outline key skills, knowledge and values;

- To highlight gaps in current knowledge and make future recommendations.

3. Methodology

Literature Search

This report involves a review of the published academic and policy-related research ('grey literature') on hate crime, with a particular focus on its nature and scope in Scotland, the causation of hate crime, the characteristics of hate crime perpetrators, and effective practice in working with hate crime perpetrators. This included an exploration of some of the existing interventions for working with this category of offenders.

The literature reviewed included journal articles, books, websites, published statistics on hate crime in relation to the aggravated offence types, newspaper articles, policy documents, and publications from non-governmental organisations. Literature was sought utilising search engines such as Google and Google Scholar, and accessing the University of Edinburgh's library database, as well as purchasing relevant books on the topic via the allocated budget. Kiteley and Stogdon (2014) was utilised as a general reference in relation to undertaking a literature review in social work. Where possible, a focus was retained on data within the Scottish jurisdiction, and data pertaining to other areas of the UK or of Europe were included where these were directly relevant to the scope of the review and/or of potential interest to the objectives of the study. This ideally allows the review to relate as directly as possible to practice within CJSW in Edinburgh, with a view to being generalisable to CJSW practice on a national level.

Furthermore, reviewing the very large volume of literature on the topic of hate crime is outwith the scope of this study; therefore a Scottish/UK focus was maintained where possible. Similarly, a review of 'hate crime' as a general topic would not have been possible within the parameters of this study. As such, the search for relevant literature was based on exploring the scope and nature of hate crime in relation to the protected characteristics as set out in Scottish legislation, and information around working with perpetrators given the focus on increasing practitioner knowledge and awareness of this area of practice. However, due to the paucity of Scottish hate crime interventions, information on this topic from England, Wales and Northern Ireland has been included, with some limited references to international interventions where relevant.

Data from Criminal Justice Social Work and Practitioners

Data was also gathered from CJSW in Edinburgh in order to explore the scope and nature of hate crime offences being dealt with within the city and to provide a local context for the research to aid practitioners, and potentially policy-makers. Statistical data was sought from a Senior Business Analyst within the City of Edinburgh Council, and the information provided incorporated Criminal Justice Social Work Reports (CJSWRs) completed for aggravated offences (by type); completed CJSWRs with outcomes of orders; and completed CJSWRs by preferred option. This data is presented later in this report. In addition, an e-mail was sent to CJSW managers for dissemination to practitioners with information regarding the review and the protected characteristics, and requesting the following information:

- How many people their teams have on Orders, Licences and in custody for a hate crime;

- What the specific offences are (broken down into types e.g. violence, disorder etc);

- Which disposals were recommended by CJSWR authors where a hate crime was part of the index offence(s);

- For those clients on Orders or Licences for a hate crime, what interventions workers are undertaking with them, if any, and is there any focus on the hate crime.

From this, I identified a cluster of five CJSW main-grade practitioners in the same Community Intervention Team who are currently supervising people with the aggravated offence types. I undertook informal office-based discussions with them regarding their work with perpetrators, again in order to provide further relevant context for the research, draw out themes from the literature, and gauge levels of practitioner confidence in this area of practice. I also undertook informal telephone consultations with two main-grade social workers from the female offender service. This report includes no identifiers relating to individual practitioners.

Discussions and correspondence with professionals/stakeholders

In order to enhance my knowledge and understanding of the scope/nature of hate crime, the characteristics of perpetrators, the existing interventions, and where the potential gaps lie, I

felt it was necessary to engage with relevant stakeholders. As such I contacted a wide range of professionals (the full list of the organisations they were drawn from is included at the end of this report as Appendix 1) and either met with them or had e-mail or telephone correspondence. These informants were drawn from Edinburgh, elsewhere in Scotland, England, and Northern Ireland. A small number of stakeholders did not respond, and due to the time constraints of this project I was unable to follow these up. When consulting with Criminal Justice Social Work across Scotland, I chose to focus on the areas with the highest amount of reported hate offences as per the Crown Office and Procurator Fiscal Service data; these were the highest-populated urban areas in Scotland including Glasgow, Edinburgh and the Lothians, Dundee, and Aberdeen. Where relevant, information gathered from these stakeholders is referred to. As with the practitioners, there are no identifiers relating to specific individuals.

Consultation and guidance throughout the project was also provided via the Knowledge Exchange Fellowship at the University of Edinburgh, as was access to university resources.

Limitations of the research

The remit of this research has not included gathering data directly from victims of hate crime, and due to the focus on working with perpetrators, significant information on victim characteristics and victims' voices is not included – this invaluable information can be accessed via other publications (for example, McBride 2016; SAREC 2017). Similarly, perpetrators of hate offences have not been contacted directly as this was not within the remit of this review.

Primary reviews of hate crime interventions have not been undertaken; rather, reviews of existing interventions have been explored and referred to in order that key points around effective practice for practitioners can be extrapolated. Furthermore, due to the extensive scope of this topic and the amount of literature that has been produced, it has not been possible to review all of the literature on prejudice and hate crime. Rather, the majority of the literature has been selected on the basis of its relevance to staff for awareness-raising and practice in this field.

The list of stakeholders who were contacted is by no means exhaustive and is intended to provide a snapshot of key stakeholders and practitioners in relation to working with perpetrators and addressing hate crime in Edinburgh.

It should also be noted that the data provided by the City of Edinburgh Council Senior Business Analyst does not include offences pertaining to the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 Section 6.

4. What is 'hate crime'?

The term 'hate crime' has become embedded within the criminal justice field and is used extensively in the media. However, the literature highlights that there are definitional issues with this term and it is unclear as to what it truly entails (Walters et al 2016[a]; Roberts et al 2013). One of the key issues centres around the use of the word 'hate' itself, with Walters et al (2016[a]: 11) arguing that "a person who commits a 'hate crime' need not actually be motivated by hatred for his or her victim, but rather it is his or her expression of prejudice or bias against the victim's (presumed) group..." McBride (2016: 10) goes on to highlight that the term 'hate crime', as an expression of an individual's "poor values" and prejudiced attitudes, masks the social and structural roots of prejudice as well as obscuring the "ordinariness of everyday prejudice in terms of verbal abuse and incivility; pity and sympathy; or unwittingly derogatory language".

The Independent Advisory Group (2016) emphasise that there is no specific formal offence of 'hate crime' in Scotland; rather such offences are classified as being aggravated by 'prejudice' and may attract stronger penalties as a consequence. Iganski and Lagou (2015) highlight that some critics assert that the stronger penalties imposed on hate crime perpetrators are akin to "the state criminalizing the expression of certain thoughts, opinions and values"; however, the counter-argument to this is that it is the greater harm caused by hate crime as opposed to other types of crime that should rightly attract these enhanced penalties. Notwithstanding the important debates around definitions, the term 'hate crime' will be referred to throughout this review as this is the term most commonly used in the literature and encapsulates offences involving the protected characteristics.

Police Scotland (2016) define hate crime as "a crime motivated by malice or ill will towards a social group", with five official 'protected characteristics' – race, religion, disability, sexual

orientation, and transgender identity (this definition has also been adopted by the Scottish Government). They highlight that a victim does not need to be a member of a minority community to be a victim of hate crime; the *motivation of the perpetrator* (own italics) is the key factor in defining a hate crime. As such there is significant scope for CJSWs in working with perpetrators in this area. Police Scotland (2016) also record and refer to "hate incidents" which are defined as "any incident that is not a criminal offence, but something which is perceived by the victim or any other person to be motivated by hate or prejudice". This allows for the recording and monitoring of ongoing incidents which may be nonetheless harmful to victims and communities, and may escalate over time in frequency or severity (Walters et al 2016[a]).

England and Wales incorporate the same five protected characteristics, but some police services additionally monitor hate crimes targeted at 'alternative subcultures' such as goths or punks (ibid). Interestingly, The Guardian (Townsend 2016) reported that police forces across England and Wales were considering expanding their definition of hate crime to include misogyny after piloting this in Nottingham. The Nottingham police force define misogyny hate crime as "incidents against women that are motivated by an attitude of a man towards a woman and includes behaviour targeted towards a woman by men simply because they are a woman" (ibid). This, and England and Wales' monitoring of offences against members of alternative subcultures, raises interesting debates around what should be classified as a hate crime.

In terms of hate crime legislation in Scotland, the Criminal Law (Consolidation) (Scotland) Act 1995 Section 50A specifically refers to the offence of 'racially aggravated harassment'. Section 18, 19 and 23(1)(a) of the Public Order Act 1980 and Section 96 of the Crime and Disorder Act 1998 also cover racially aggravated harassment and behaviour. Religiously aggravated offences are covered by Section 74 of the Criminal Justice (Scotland) Act 2003. Legislation came into force in 2010 regarding sexual orientation, transgender identity, and disability aggravated offences in the form of the Offences (Aggravated by Prejudice) (Scotland) Act 2009 (sections 1 and 2). Additionally, the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 Section 6 has provisions for offences involving the communication of material which is intended to stir up religious hatred (Crown Office 2016; Walters et al 2016). Walters et al (2016[a]: 14) note that this does not provide for the stirring up of hatred against people with disabilities or transgender identity and highlight

the ultimately "uneven legislative protection across the five strands of hate crime" which may have given rise to a "hierarchy of victims" – critics have suggested that the legislation implies that some groups are more worthy of protection than others, which can enter public consciousness (ibid).

Perhaps reflecting the complexities around, or shortcomings with, the legislation, on January 26, 2017 it was announced by the Scottish Parliament that the legislation in Scotland covering hate crime offences is to be reviewed to ensure it is fit for purpose for the 21st century. The independent review will be chaired by the Right Honourable Lord Bracadale, one of the most senior members of the Scottish judiciary, and will consider whether current laws are appropriate and consistent, whether hate crime legislation needs simplified, rationalised or harmonised, if new categories of hate crime for characteristics not currently legislated for (such as age, gender, and asylum seekers and refugees) need to be created, and how any identified gaps, anomalies and inconsistencies can be addressed in a new legislative framework, ensuring this interacts effectively with other legislation guaranteeing human rights and equality. The Review will begin on January 30, 2017 and is expected to take 12 months (Scottish Government 2017). This may have implications for CJSW in relation to an increase in the volume of Criminal Justice Social Work Reports requested for additional protected characteristics, should legislative change occur.

5. Scope, Nature and Harms of Hate Crime

Scope

There is a consensus in the literature and amongst the relevant professionals that hate crime, along with other types of crime, is underreported. Walters et al (2016[b]) highlight the main reasons for underreporting from previous surveys – negative perceptions of the police, hate crime being a common, everyday occurrence for victims, fear of reprisal, and the victims dealing with it themselves. Victims can also be uncertain as to what a hate crime actually is, and, without the appropriate training, this can also be the same for police officers. This highlights the importance of community awareness-raising and training for the police and statutory agencies, and the ongoing encouragement of victims to report it. An additional complexity is the rise in online hate crimes and incidents, which are difficult to record and respond to due to their sheer volume (ibid).

A recent Guardian article reported that police, prosecutors and the Courts in the UK are "filtering out" racial elements in hate crime cases, and, according to the European Commission against Racism and Intolerance, that half of reported hate crime is not prosecuted (Townsend 2016). Hate speech and the "considerable intolerant element in the public political debate in Britain, particularly on immigration" are also highlighted as concerns (ibid). Nonetheless, from a discussion with Police Scotland, they assure that they have robust procedures in place to ensure all hate crimes are accurately recorded and the aggravations noted before being sent to the Procurator Fiscal, and the Procurator Fiscal's Office referred to their "robust prosecution policy" whereby all aggravated offences are prosecuted.

Scotland

The most recent data published by the Crown Office and Procurator Fiscal Service demonstrates that hate crime is an ongoing issue in Scotland (Crown Office 2016). They provide information relating to hate crime reported to the Procurator Fiscal in Scotland over 2015-16; it is important to note that these figures reflect all *reported* offences, and not those subsequently dropped, convicted, or disposed of by a Court or other means. They highlight that racially aggravated offences remain the most commonly reported (this is commensurate with data from England and Wales (Roberts 2013), and with the majority of the literature), with 3,712 charges, but this has decreased 3% since last year. Offences aggravated by sexual orientation represented the second highest category (1,020 charges), and this has increased by 20% since last year. Religiously aggravated crime has increased by 3% since last year (581 charges), but is at its second lowest level since 2004-05. The Scottish Government report 'Religiously Aggravated Offending in Scotland 2015-16' indicates that Roman Catholicism is the religion most often the subject of abuse, with Protestantism and Islam being subject to the next highest amount of aggravations. The report highlights that the number of charges involving Roman Catholicism and Protestantism have been steadily decreasing; however charges for abuse involving Islam have increased by 89% (from 71 in 2014-15 to 134 for 2015-16) - almost double last year's figures. Glasgow was the local authority with the highest number of religiously aggravated charges (Davidson 2016).
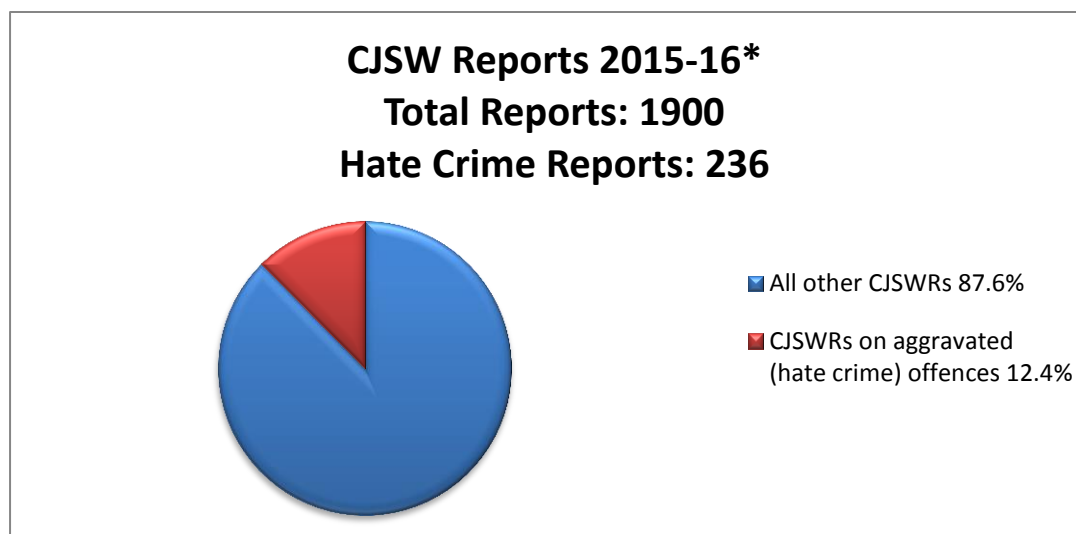
Edinburgh

According to the Crown Office figures for all hate crimes reported to the Procurator Fiscal's office in Edinburgh, the city saw an increase in reporting of offences with aggravations

involving all of the protected characteristics from 2010-11 to 2015-16 (Crown Office 2016). Edinburgh's figures reflect the national Scottish data in that racially aggravated offending was the highest (752 charges out of 3,712 nationally), with offences relating to sexual orientation second highest (161 out of 1,020) and religiously aggravated offending third (57 out of 581). Disability aggravated crime in Edinburgh constituted 38 of the 201 reported offences, and transgender identity constituted five out of the 30 reported across all of Scotland. The co-ordinated response to hate crime by Police Scotland in Edinburgh falls under the remit of the 'Preventions, Interventions, Partnerships and Licensing Department', although obviously all police officers respond to and deal with hate crime. The team has an Inspector and two Sergeants, with police officers assigned to each of the protected characteristics. This team are responsible for ensuring that offences with a protected characteristic are recorded accurately, as well as engaging with relevant community groups in order to gain a deeper understanding of the impact of hate crime, and maintain good links with communities and hopefully foster trust in the police (Police Scotland, personal communication 22 November 2016).

Criminal Justice Social Work in Edinburgh

In order to gain a snapshot of the scope of hate crime being dealt with by CJSW services in Edinburgh, statistical data was sought from a Senior Business Analyst within the City of Edinburgh Council, and information was provided in relation to Criminal Justice Social Work Reports (CJSWRs) completed for aggravated offences (by type); completed CJSWRs with outcomes of orders; and completed CJSWRs by preferred option. It is noted that the data provided by the City of Edinburgh Council Senior Business Analyst does not include offences pertaining to the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 Section 6. This data is presented below.

Figure 1: CJSW Reports 2015-16

CJSW Reports 2015-16*
Total Reports: 1900
Hate Crime Reports: 236

- All other CJSWRs 87.6%
- CJSWRs on aggravated (hate crime) offences 12.4%

*CJSWRs completed by CITs North and South, EPP, Resettlement Team, and the Willow Service within Criminal Justice Social Work in Edinburgh (please refer to the Glossary on page 4).

As we can see above, 12.4% of the 1900 CJSWRs completed for the Courts by CJSW services in Edinburgh from 2015-16 related to hate crime. However, it is noted that it is not possible to ascertain from the data provided whether there were multiple hate offences pertaining to individual reports.

Figure 2: Breakdown of completed Hate Crime CJSWRs by protected characteristic/aggravation

Breakdown of completed Hate Crime CJSWRs by protected characteristic/aggravation
Total: 236*

- Race 77.5%
- Sexual Orientation 13.5%
- Religion 5.5%
- Disability 3.4%
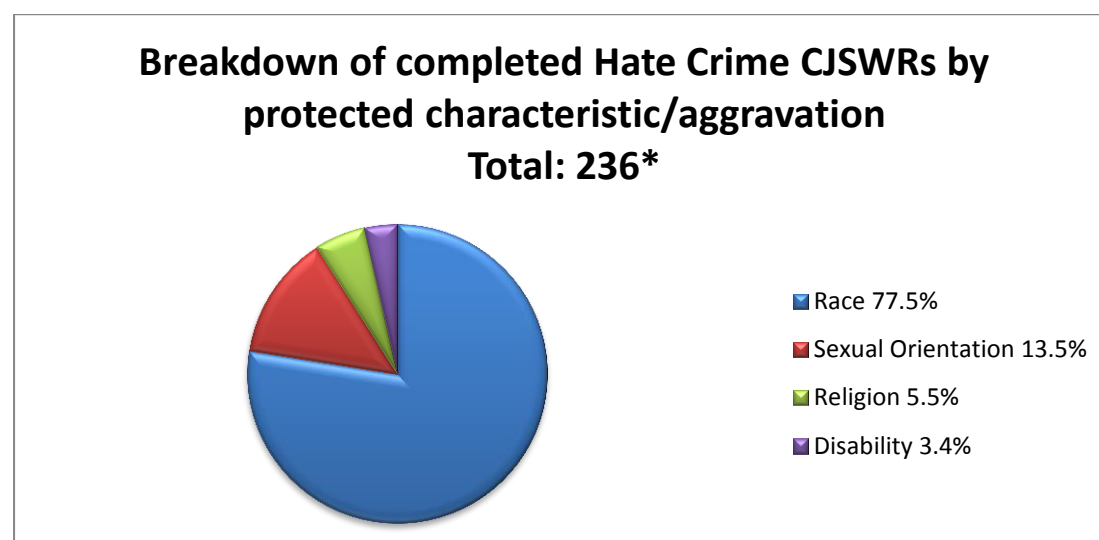
*No reports in relation to transgender identity appear to have been completed.

The above chart highlights that the majority of reports were completed for racially aggravated offences, with reports related to sexual orientation and religion the second and third highest categories respectively – this reflects both wider Scottish and English data in relation to the amount of the types of offences committed and reported. No reports relating to transgender identity appear to have been completed despite the five recorded reports of this type of offence noted by the Crown Office and Procurator Fiscal Service for Edinburgh over 2015-16 – it is therefore not clear whether these resulted in prosecution and/or convictions.

Table 1: Types of Reports for all Hate Crimes requested by the Courts 2015-16

Type of Report*	Number	Percentage**
Full CJSWR	111	55%
Supplementary CJSWR	27	13.5%
CPO/APSC Progress Report	27	13.5%
Diversion Assessment	13	6.5%
APSC Report	13	6.5%
DTTO Assessment	7	3.5%
ROLO Assessment	2	1%
Caledonian Assessment	1	0.5%
TOTAL	201	100%

Please refer to the Glossary of Criminal Justice Social Work terms on page 4 for definitions of terms contained within the tables.
**Percentages have been rounded up for ease of data presentation.

Noted above are the types of reports requested by the Court and completed by the CJSW teams. It is interesting to note that several Diversion Assessments (that is, diversion from

prosecution) were requested, given the 'robust prosecution policy' stated by the Crown Office and Procurator Fiscal Service – this may highlight the potential for a brief intervention with hate crime offenders that could be undertaken as part of a diversionary scheme. Again, this data relates to a total of 201 reports and not the 236 hate crime reports cited in the first part of the data set.

Table 2: Preferred Option of Criminal Justice Social Work Report Author

Preferred Option	Number	Percentage	Percentage of the 105 actual recorded preferred options
Not recorded	165	61%	N/A
No recommendation made	28	10%	26.7%
CPO Supervision Requirement	27	10%	25.7%
Unpaid Work	14	5%	13.3%
Deferred Sentence	12	4%	11.4%
Restriction of Liberty Order	7	2.6%	6.7%
No preferred option	6	2.2%	5.7%
Fine	6	2.2%	5.7%
No change to existing order	2	0.7%	1.9%
Admonition	2	0.7%	1.9%
Compensation Order	1	0.4%	0.9%
TOTAL	270	100%	100%

*Compensation Requirements as part of a Community Payback Order were not noted in the data provided.

This table represents the 'preferred options' for disposing of the case as stated by CJSW Report writers preparing reports for the Sheriff and High Courts. Unfortunately, 61% of the preferred options were noted as 'not recorded', meaning that the data is only significant in relation to the 39% of options that actually were recorded. It may therefore be beneficial to ensure that there are accurate recording systems in place to capture this type of data. It is

also noted that the total given here is 270, which may reflect multiple recorded options relating to an individual CJSWR as this is within the report author's remit to do so.

The very small number of Compensation Orders noted as a preferred option (in fact, it was only 1) is surprising given the frequently very personal nature of hate crime and the identifiable harms caused – it would be interesting to explore victim characteristics as if these were police officers or emergency workers, compensation is not usually recommended in reports. Indeed, Davidson (2016) reports that 236 charges (41% of the total) relating to religiously aggravated offending in 2015-16 involved police officers. He adds that this frequently related to incidents where the police arrested the accused for a separate charge (which may not have involved religious prejudice), and were then abused in religiously offensive terms afterwards. It is noted that no assessments for a Drug Treatment and Testing Order were preferred options, nor Supervised Release Orders. Notwithstanding information that was not recorded, and no recommendation made, Supervision Requirements as part of a Community Payback Order were the most commonly 'recommended' options put forth to the Courts for offenders convicted of hate offences.

Table 3: Court Disposals for all aggravated offences

Court Disposals	Number
CPO with Supervision Requirement	30
CPO with Unpaid Work	15
Custodial Sentence	11
DTTO	3
ROLO	3
CPO with Compensation Requirement	1
Compensation Order	1
TOTAL	64

The above table highlights that a Community Payback Order with a Supervision Requirement was the most common outcome at Court (a total of 30 orders) – this was most

common for offenders convicted of racially aggravated offending (a total of 21 orders). Unpaid Work was also frequently utilised, as was a custodial sentence in 11 of the 64 recorded outcomes. Again, the use of compensation (whether via a Compensation Order or as part of a CPO) was very limited. Restriction of Liberty Orders (electronic monitoring) were used more commonly with religiously aggravated offences.

Criminal Justice Social Worker Discussions

In an effort to look beyond the data and gauge practitioner experience of working with hate crime offenders, I met informally with five CJSWs based in the North of Edinburgh following the identification of hate crime perpetrators on their caseloads. I also had telephone discussions with two CJSWs from the Willow Service, working with female offenders who had perpetrated hate crime. The offenders were either subject to Community Payback Orders, post-release supervision, or were in custody. The offences involved were: acting in a racially aggravated manner; causing fear and alarm with racial and sexual orientation aggravations; assaults and assaults to injury (racial prejudice); racial harassment; mobbing and rioting (racial prejudice); assault to severe injury, permanent disfigurement and impairment, attempt to rob, and attempted murder (racial prejudice); and homophobic murder. In terms of the demographics of the offenders, four were female and eight were male. Two of the offenders were aged 16 at the time of the offence (and were now in their 30s), with four being aged 18-19, and the rest ranging in age from 32-47 years. All but one of the offenders were of white UK origin, with one individual originating from Africa. Practitioners spoke of not undertaking any specific hate crime interventions with their clients, with only two out of the seven being aware of a specific hate crime programme (ADAPT, which will be discussed later). The majority of the offences had been committed whilst under the influence of alcohol (although, interestingly, with the exception of the most serious offences), and practitioners referred to undertaking work to address alcohol use and other issues rather than focusing specifically on prejudice. All of the workers described feeling confident in their general work with offenders but the majority acknowledged a lack of knowledge and awareness around hate crime in general, and in assessing and managing hate crime offenders.

Nature of Hate Crime

Roberts et al (2013) highlight that there is a surprising lack of studies on the types of hate crimes committed; indeed the majority of the literature appears to focus on the causes and

motivations of hate crime. Offences range from verbal abuse, damage to buildings and property, 'minor' violence, sexual assaults, and very 'serious' violence; Walters et al (2016[a]) point out that it is often "only the most extreme manifestations of hate-motivated violence that capture the attention of the media" which can then obscure the "everyday" hate offences or incidents that are the realities of victims' lives. This can also give rise to the notion of hate crimes being "random acts" perpetrated by strangers, whereas the literature agrees that many perpetrators of all types of hate crimes are known to their victims. Walters et al (2016[a]) highlight research in Wales that indicates 43% of victims knew their perpetrator, and a further survey indicating that 75% of anti-LGB hate crimes knew the perpetrator in comparison with only 31% of racist hate crime victims. Several sources emphasise that the majority of victims of disability hate crime also know their perpetrator, with perpetrators sometimes posing as friends of the victim in order to take advantage of them financially or sexually (sometimes referred to as "mate crime"). Perpetrators can also be carers or relatives of the victim, with a potential overlap with domestic abuse. Roberts et al (2013) additionally highlight that people who experience disability hate crimes are more likely to experience sexual offences, theft, and robbery than people with the other protected characteristics.

Walters et al (2016[a]) advise that hate crimes tend to occur in public spaces such as city centres, streets, parks and on public transport or stations, and of course can also occur in victims' homes and neighbourhoods. The Scottish data is not broken down into types of offences or location with the exception of religiously aggravated offending, which is the subject of an aforementioned separate report. This reflects the literature in that the majority of offences occurred in a police car or station, a town or city centre, or a domestic dwelling. Other locations cited are football stadiums, public transport, a bar/club, hospital or an ambulance, social media, and places of worship (the least common) (Davidson 2016). Many hate crimes can also be viewed as having both "symbolic and instrumental qualities" that are designed to "send a message" to the intended victim or group (Roberts et al 2013). Summarising the work of Hall (2005), it is posited by Roberts et al (2013) that hate crimes share the intent to "intimidate and subordinate a group of people, of whom the victim is merely a selected representative". The aim is to send a message to the targeted community that they are "different and 'don't belong'".

As such, it can be argued that hate crime perpetrators are "acting out the hostility felt by a wider community to a subordinate group" (ibid: 27-28). Causes of hate crime, including social and structural factors, as well as the characteristics and motivations of perpetrators, will be discussed later in this review. Ultimately, practitioners in this area must take situational factors such as location, victim-perpetrator relationships, and societal factors into account when attempting to understand the nature of hate crime (Walters et al 2016[a]).

Intersectionality

A further complex feature of hate crime is the notion of 'intersectionality' – the idea that perpetrators may hold multiple prejudices and a victim of a hate crime may be targeted due to more than one of their identity characteristics (Walters et al 2016[a]). The authors use the examples of a perpetrator targeting an individual because they are both disabled and gay, or someone being motivated by a dislike of Asian and Muslim people. This can make it difficult to ascertain what type of hate crime the incident should be noted as; this of course depends on the reporting mechanisms involved and the training provided to criminal justice agencies such as the police. McBride's research (2016) highlights that hate crimes perpetrated on the basis of several protected characteristics are common. She adds that the notion of intersectionality can be particularly problematic for disabled people, as all of the other protected characteristics are also applicable, and adds that disabled people from minority groups can face particular barriers to reporting hate crimes.

McBride (2016) refers to the complexities around race and religion, stating that, for example, with Islamophobia and anti-Semitism, it can be difficult to ascertain whether a hate crime is perpetrated due to the person's religion or perceived race. McBride mentions that this is also relevant for people from an Irish background in Scotland, "whose experiences of discrimination typically are framed in terms of 'sectarianism'" (2016: 37), rather than race. She posits that intersectionality should be a focus for further quantitative and qualitative research as a priority. Mason-Bish (2015: 30-31) emphasises that current hate crime legislation tends to "list victim groups in a simplistic way", which does not account for diversity and can omit victim groups who do not align with the hate crime framework as it stands. She poses the question of whether we can ever have policy and legislation that truly addresses each individual's experiences of oppression, citing additional personal factors that can be the subject of prejudice and discrimination such as age, class, weight, and

appearance (ibid: 31). In this respect, the review of current hate crime legislation in Scotland is a welcome move.

Hate Crime and the internet

It is widely-known that the internet is a valuable resource in relation to information seeking/sharing, social networking, and many other positive pursuits. However, it has also unfortunately become a forum for the dissemination of hate speech and the commission of hate crimes. The internet can now connect individuals or groups from all over the world who share similar ideologies, a feature which can be exploited by hate-based groups. It allows people to remain anonymous, requires less effort than traditional methods of social networking, and is cost-effective (Rohlfing 2015). Walters et al (2016[a]: 39) suggest that hate-based offences online, particularly hate speech, "are likely to dwarf the number of offences in the physical world". They highlight data from a website tracking homophobic tweets which demonstrates that, internationally, there have been over 34 million tweets containing the word 'faggot' between July 2012 and March 2016. They also refer to research on anti-Muslim hate crime, with the charity TellMama reporting that 74% of the anti-Muslim hostility reported to them occurred on the internet compared to 26% which was offline.

Rohlfing (2015) emphasises the concern that the sharing of hate ideologies online could lead to a strengthening of these beliefs and the potential for people to act upon their prejudices; however, the relationship between the internet and its influence on behaviour is unclear, and it is not possible to assume that internet-based hate speech or crimes will mean that someone will go on to commit a 'physical' hate offence. Rohlfing (2015) calls for further research into internet hate crime due to the gaps in knowledge around whether the internet can influence groups or individuals to commit acts of hatred, the impacts of online hatred for victims, and the lack of agreement between Internet Service Providers and the legislation in different countries as to what constitutes online hate crimes.

A note on extremism

As we will see later in this review, 'extremist' or 'mission' offenders constitute a very small proportion of hate crime offenders. Chakraborti and Garland (2015: 109; citing Goodwin 2011) note four types of extremist organisations: those that operate like conventional political parties and try to "gain power through the ballot box" such as the British National Party

(BNP); those that avoid these methods and position themselves as "activist street movements" such as the English Defence League (EDL); those that forego attempting to gain popular support and aim to recruit small groups of "committed, elite" members such as Combat 18; and finally "lone wolves" who act in isolation and who may commit violent acts, such as Anders Behring Brevik in Norway. Chakraborti and Garland (2015: 110) state that there is some evidence to suggest that those involved with extremist groups tend to commit a more "predatory form of hate offending" in that they go to greater lengths to deliberately target victims, and extremist groups and ideologies can have a wider influence on others in society even if they do not belong to organised groups in 'justifying' hate offences (Walters et al 2016[a]).

Data could not be found relating to the scope of extremism in Scotland; the Scottish Government have however established the 'Prevent Duty Guidance' in relation to Section 26 of the Counter-Terrorism and Security Act 2015 which places a duty on certain bodies (such as local authorities, schools, the NHS, prisons, and the police) to have, in the exercise of their functions, *"due regard to the need to prevent people from being drawn into terrorism"* – this includes Islamic extremist groups, Northern Irish terrorism, and white supremacist-related extremism (Scottish Government 2015: 5). Chakraborti and Garland (2015: 115-6) state that, despite extremist forms of hate crime being far less common than other forms, its "symbolic importance...in the way that its more 'routine' activities can instil fear and anxiety in minority communities, should not be underestimated".

The link with gendered violence and masculine identity

There is a growing body of literature on the consideration of gender and violence against women in the hate crime field. Gender is not a protected characteristic at present, although as stated, hate crime legislation in Scotland is currently subject to a review and this category is under consideration. Chakraborti and Garland (2015) posit that the risk of domestic violence for women is heightened if the victim has a disability or is from an ethnic minority, linking with the discussion on intersectionality earlier. They state that the *impact* of this violence can also be heightened, with black and Asian women more likely to attempt suicide. Furthermore, victimisation within same-sex relationships is often a "hidden yet significant issue", and is frequently under-reported due to concerns around "homophobic police culture" in a similar vein as that of a gay victim of hate crime being fearful to report an offence (ibid 2015: 96). Mason-Bish (2015: 179) adds that a woman's sexual orientation may make her

more vulnerable to victimisation and argues that the often gendered experience of hate crime should be taken into account, contending that "...to assume that a gay man and lesbian woman have the same experience of hate crime is to ignore the importance of gender".

Chakraborti and Garland (2015) also discuss offences against older people, homeless people, and sex workers as featuring some of the same dynamics as 'official' hate crime offending and prompt a discussion around whether they should be recorded as such; this would necessitate a shift in legislation. Further, Trickett (2015: 261), in her study of young male unemployed hate crime perpetrators in Birmingham (who were also involved in general offending and violence) who targeted Asian male shopkeepers, posits that the concept of "gendered masculinity" is highly significant in that they were attempting to "assert that core toughness of masculine identity in response to the threat posed to their lack of ability to provide for themselves and others...". Trickett (2015) ultimately argues that the young men were motivated by hostility against 'difference' and socio-economic strain (this will be expanded upon later), but that both were importantly linked to the perceived threatened masculinity of the offender - arguably a facet of many types of offending.

The harms of hate crime

There appears to be a consensus in the literature that hate crime is more harmful to victims and communities than other types of offending. Iganski and Lagou (2015) argue that the emotional and psychological trauma caused by hate crime is heightened compared with other types of crime, and add that vicarious trauma can be experienced by those who have the same identity characteristics as the initial victim such as family or community members. This highlights the key notion that hate crime affects not just the person experiencing it, but the community to which they belong. This is echoed by McBride (2016) who cites evidence from key organisations working with minority groups who draw attention to the wider social impacts and indirect impacts on people who are victimised on the basis of their identity characteristics. Iganski and Lagou (2015) advise that victims of hate crimes are more likely than victims of parallel crimes to report: short and long-term emotional impacts; having intrusive thoughts about the incident and suicidal ideation; having a longer recovery period; continuing to feel "frightened or scared" following the offence; higher levels of depression, anxiety, and anger; loss of confidence; increased sleep difficulties; and reduced feelings of safety. They highlight that these reactions are perhaps linked to the victim(s) perception of

the victimisation as "an attack on the core of their identity". As such, black and minority ethnic victims are likely to experience the impact of the offence more severely than white majority group victims due to the offence being "a painful reminder of the cultural heritage of past and ongoing discrimination, stereotyping, and stigmatization of their identity group" (ibid: 1699).

This is a potentially important point to note for practitioners working with white perpetrators who may blame victims for perceived slights and/or the offence(s) for which they have been convicted.

Iganski et al (2015) highlight that developing an understanding of the harms caused by hate crime would be an important facet of rehabilitative interventions with hate crime offenders, positing that many offenders are not fully aware of the harm caused by their actions at the time of committing the offence. This 'core concept' of fostering victim empathy with perpetrators will be discussed in more detail later in this review when exploring interventions and 'what works' with hate crime perpetrators. Furthermore, an understanding of the effects of hate crime on victims and communities is vital for practitioners working in this field, particularly at the Court report stage prior to sentencing, and when undertaking interventions with perpetrators.

6. Causes of hate crime

It is evident from the literature that there are many different explanations contributing to the causation of hate crime offending, drawing on different disciplines and often inextricably linked. Below is a summary of the main causes of hate crimes/incidents based on overviews provided by the relevant literature. Much of the content is drawn from reviews by Walters et al (2016) and Roberts et al (2013) due to the contemporary and comprehensive nature of these reviews; there is other literature on the topic and these are by no means exhaustive. Characteristics or 'typologies' of offenders are discussed in the following section.

The role of prejudice

McBride (2015) highlights that a discussion on prejudice is of central importance when undertaking any endeavour to reduce hate crime. She makes the distinction between hate crime and prejudice in that "criminal victimisation is at the extreme end of prejudice" and, as previously posited, an exclusive focus on criminal behaviour can potentially downplay the

day-to-day prejudice experienced by individuals and groups. Walters et al (2016[a]: 26) provide a definition of prejudice by Brown (2010) and one that seems useful when considering hate crime and all that this may entail: "any attitude, emotion or behaviour towards members of a group which directly or indirectly implies some negativity or antipathy towards that group".

Prejudice can range from derogatory language, pity and sympathy, structural discrimination, verbal abuse, and all of the behaviours outlined earlier in this review. Duckitt (1992) in McBride (2015: 10-11) puts forward a four-level model relating to the causation of prejudice and asserts that any efforts to reduce prejudice should occur at all of these levels:

1. Genetic and evolutionary predispositions – our inherent human propensity for prejudice;
2. Societal, organisational and intergroup patterns of contact and norms for intergroup relations such as legislation and regulations;
3. Social influence mechanisms that affect group and intergroup interactions such as the influence of the mass media, the education system, and the workplace;
4. Personal differences in susceptibility to prejudiced attitudes and behaviours and in acceptance of specific attitudes.

McBride highlights that few people would consider themselves as prejudiced or bigoted, and even those who view themselves as tolerant may have implicit biases which can be activated in certain circumstances and are often unintentional – this is useful when considering interventions with perpetrators. She also posits that criminal justice interventions to reduce prejudice would focus on the second level, with legislation and police focusing on the third level complementing this work (ibid).

Psychological, personality, and social-psychological explanations

A key psychological perspective in the causation of prejudice and hate crime is the notion that human beings seek to make sense of and 'categorise' the world around them and can do so by creating overgeneralisations, or stereotypes, about other people – these stereotypes can operate at a subconscious level (Walters et al 2016[a]). This perspective is limited inasmuch as it does not consider the role of the groups people belong to and assumes that mental processes are unaffected by intergroup relationships (ibid).

Individual-level explanations of hate crime also include the concept of the 'authoritarian personality' – the idea that certain people may hold prejudiced attitudes and beliefs towards a *range* of minority groups such as ethnic and religious minorities, immigrants and asylum seekers, LGBT people, and disabled people, as they are all perceived to "challenge what is considered 'normal'" (Walters et al 2016[a]: 26). This personality type is also typically overly deferential to authority figures, and very conformist to "conventional societal values". Walters et al point out that these individuals' tendencies to express prejudiced attitudes may also be linked to their inability to control their own emotions and behaviour. Zick et al (2009), in their Europe-wide study of "group-focused enmity" (deep-seated hatred or prejudice), found that respondents with 'authoritarian attitudes' (such as supporting stricter discipline in schools, favouring stronger actions towards "trouble-makers", and supporting a restoration of the death penalty) were more likely to hold prejudiced attitudes towards minority groups. However, Roberts et al (2013: 33) refer to other large-scale attitudinal studies which suggest that the numbers of authoritarian personality types are small amongst hate crime offenders, and that "individual psychological accounts are not sufficiently diagnostic".

As such, social-psychological explanations may go some way towards accounting for not only the individual's prejudiced attitudes, but the conditions in which these may be expressed or acted out (Roberts et al 2013). Roberts et al (2013: 33) highlight the effects of "contagion, conformism, the influence of extremist ideologies…disinhibition, and the yearning for group acceptance" combining to "push" someone to commit a hate crime. The influence of the mass media is also crucial, with sensationalist reporting of hate crime events producing "contagion" events or "spikes" in hate crime, which is what occurred with England and Wales in the wake of the referendum on the UK's membership of the EU. The media can also actively create and perpetuate stereotypes about groups of people which influences individual consciousness, as well as the influence of far right political parties and extremist groups (ibid) which have gained a foothold in the UK and internationally.

Roberts et al (2013) also draw attention to the concept of shame in hate crime offending, citing a study in which offenders convicted of racially aggravated offences in Manchester appeared to view themselves as "weak, disregarded, unfairly treated and made to feel small" by their victims, who were of Asian origin (Ray et al 2004 in Roberts et al 2013). These issues can lead to the projection of negative feelings of shame on to others, who are rendered scapegoats and can be verbally or physically attacked. For example, this may be

the case in a homophobic assault where a perpetrator who feels insecure about their own sexuality may attack someone for their perceived homosexuality – this may be an individual motivation, but may also serve the function of asserting they are not gay to their male peer group (ibid). The "humiliation theory" posits that the majority of men are not homophobic because they are struggling with their own sexuality; rather they fear that other men will think they are homosexual (ibid). This does not however take into account female perpetrators of homophobic offences. The authors highlight that 'hate' may not in fact be the motivating factor; rather, it is an expression of the "culturally pervasive bias, hostility or prejudice towards gay, lesbian and bisexual people" (ibid: 35).

Roberts et al (2013) propose that similar processes are enacted when an individual who is perhaps unemployed and concerned about their perception as being "workshy" attacks immigrants or disabled people for "stealing our benefits" and casts them as the "real problem". They posit that how likely people are to commit a hate crime in these circumstances is also dependent on their emotional/mental health and their personal history; those who have a higher propensity to "explode in crisis situations" or when feeling threatened may be more likely to commit a hate crime. They suggest that this may be why many hate crimes occur in the context of other conflict situations where the perpetrator may feel "unduly persecuted" (ibid: 35).

Perceptions of loss may also contribute to hate crime causation. Gadd and Dixon (2011) in Roberts et al (2013: 36) suggest that racist discourses in particular may be motivated by "unconscious perceptions of loss" – these losses may be social or cultural as a result of an economic downturn (e.g. loss of jobs, respect, and 'ways of life') that can be found in "deindustrialising" towns and cities. Personal losses are also relevant, for example the loss of a family member, sense of security, or of physical or mental health. Roberts et al (2013) point out that the personal and the cultural can merge and become amplified by certain political discourses and biased media coverage, for example around "unrestrained migration", which can produce a context for hate crime to occur.

Socio-economic factors, perceptions of threat, and a structural perspective
Walters et al (2016[a]: 28) draw attention to research suggesting that the "perceived threat that certain groups of people pose to one's own ingroup" has become a significant underpinning theory in relation to prejudice and hate crime. This is divided into "realistic"

and "symbolic" threats. Realistic threats relate to "tangible conflicts of interest", for example perceived competition over employment, housing and other resources between the dominant "ingroup" and the perceived "outgroup" (the 'outgroup' is usually based on identity characteristics such as ethnicity, sexual orientation or religious affiliation). Immigrants and disabled people are two 'outgroups' frequently targeted due to a perception that they pose a threat to resources such as employment, benefits, or welfare services. This is echoed by Roberts et al (2013) and Chakraborti and Garland (2015: 105-6), who suggest that the majority (i.e. white people) feel "bitterly let down" by local authorities who they perceive as giving "preferential treatment to the 'undeserving' (minority ethnic groups) at the expense of the 'deserving' (themselves)". This resentment can then manifest itself in racial harassment and hate crime. Symbolic threats are related to "people's social identities, such as the in-group's 'way of life'…" (ibid: 28). An example of this would be immigrants settling into a community mainly comprised of well-established "non-immigrants", with these new community members perhaps being perceived as "importing alien customs and values", giving rise to a fear that "unwanted changes" will be engendered to existing social/cultural norms and behaviours. However, these theories tend to focus on racial or religious identities and perhaps do not account for homophobic and transphobic hate crime. Furthermore, the assumption that the 'in-group' is a white majority does little to explain hate offences perpetrated by anyone not conforming to this 'majority'.

A structural perspective, on the other hand, would appear to take this into account. Perry (2001) in Walters et al (2016[a]) proposes that social hierarchies in society are constructed via "dominant (majority) identity traits" such as gender, race, sexual orientation, and class. Individuals with the most social and political power therefore assert their identity on what is deemed as the "ideal" characteristics on which society should be based - the authors suggest that in the UK, this may be "typically white, male, heterosexual, Christian and middle class" (ibid: 30). As such, those who do not conform to, or fall outwith, these "identity ideals" are viewed by the majority as being "different", and potentially a 'threat' to the social norms and customs mentioned earlier. Hate crime perpetrators are therefore likely to be individuals or groups most influenced by the "prevailing expectations" of the identity ideal, who "act to police the boundaries of the identity ideal through verbal and physical violence against those seen as breaching dominant norms" (ibid: 30). However, as we will see later in this review, if the majority of hate crimes are perpetrated by marginalised white people from deprived areas, this theory does not adequately account for all hate crime.

Dixon and Court (2015) highlight research by Hewitt (1996; cited in Dixon and Court 2015: 381) who referred to "community profiles" which produce racial offending, with factors such as: "…entrenched local racism; local social and economic deprivation; passive engagement in leisure activities; few affordable youth facilities; high levels of adult criminality linked with wider criminal networks; and violent youth subculture". This is of relevance to criminal justice practitioners in Edinburgh who will be working with offenders from communities with these features, and in making the link with racially aggravated offending and wider community issues.

Furthermore, Walters et al (2016[a]) go on to highlight how institutions can inadvertently disadvantage certain groups in society and that this can be connected to the causation of hate crime. They draw attention to the police, highlighting the investigation into the racially-motivated murder of Stephen Lawrence in 1994 and the subsequent inquiry into the problematic investigation. This inquiry and resultant report (The Macpherson Report, 1999) highlighted the notion of "institutional racism" within the Metropolitan Police Service and led to the introduction of hate crime legislation. Additionally, the political and media response to post-9/11 terrorism and the establishment of anti-terror legislation across the world has been suggested as a mechanism by which certain communities are "disproportionately targeted" – for example, the UK's focus on Islamic extremism, and the USA's current travel ban focusing on people from Islamic countries. Stigmatisation and alienation have thus arisen, often intensified by the media as previously discussed.

In a similar vein, national welfare reforms, "alongside a general narrative of 'benefit scroungers'", are viewed to have had a significant adverse impact on disabled people, with qualitative evidence suggesting that an increased number of disabled people have experienced animosity towards them as a consequence (Chakraborti et al 2014 in Walters et al 2016[a]: 32). It is therefore vital that, despite the improved responses to hate crimes/incidents by statutory agencies, they must ensure they are not indirectly supporting the perpetuation of prejudice and hate crime and are taking the necessary action to prevent or reduce hate crime (Walters et al 2016[a]).

Family and education

Walters et al (2016[a]) state that strong evidence for the formation of prejudiced attitudes via socialisation in the family home does not exist, and research in this area tends to neglect the role of peer group influences which may be stronger. McBride (2015: 11-12, citing Abrams 2010) posits however that "most of our prejudices are learned at a young age" and it is important to consider how any prejudice-reducing interventions can be focused within the home and involve parents. Additionally, Walters (2015: 402) highlights the benefits of including the family members or friends of offenders participating in restorative justice interventions for hate crime inasmuch that "...a source of offender's bigotries may be their own community", and that including these members serves to aid offender reintegration back into communities where the attitudes and behaviours are then challenged or modified.

Indeed, the report of the recent Independent Advisory Group in relation to hate crime (2016: 20), commissioned by the Scottish Government, recognises the significant role of education and youth work in making progress in this area in terms of "shaping citizens…who are able to recognise and challenge discrimination" and makes a number of recommendations based on this. Walters et al (2016[a]) also highlight research (for example Quillian 1995) which found evidence suggesting that people who obtain higher educational attainments have lower levels of prejudice – however this "weak" correlation does not seem to be adequately explained (ibid: 27-8). Zick et al (2009), in their European attitudinal study of prejudice (including the UK), found the less educated the participant, the more they hold general prejudices, stating that an educational system that stresses democratic principles is crucial in reducing the likelihood of prejudice.

The above 'explanations' for hate crime are not exhaustive; Hall (2015) provides a very useful overview of social science perspectives on the causation of hate crime including sociology, criminology, history, geography, economics, theology, and politics, which are not reproduced here due to the scope of this review.

7. Characteristics and a typology of hate crime perpetrators

Demographics

Following on from the ideas and theories on the broader causes of hate crime as outlined above, there is also a focus in the literature on exploring the characteristics of hate crime

perpetrators and creating a 'typology' of offenders. This is particularly important in relation to designing and undertaking interventions with hate crime perpetrators. Walters et al (2016[a]: 32) caution against reductionism, stating that "there is no *single* 'type' of person who commits hate crime"; however there is a growing body of research indicating several common demographic traits of hate crime perpetrators.

Gender

There is a consensus in the literature that perpetrators tend to be young, white males (Walters et al 2016[a]; Iganski and Smith 2011), with Iganski and Smith noting this is also the case for racist offences in Scotland (albeit using data from 2008/9). Research by Mason (2005), cited in Roberts et al (2013) indicates that hate crime perpetrators are twice as likely to be male than female, and that the more serious the type of offence, the more likely it is to have been committed by a male. Arguably, these characteristics are similar to the profile of general offenders. When looking at the gender balance in the published Scottish data on religiously aggravated offending for 2015-16, they report that 90% of the charges relate to male perpetrators (Davidson 2016). This has implications for rehabilitative interventions in relation to constructions of gender identity and masculinity across all types of offending, and not just with hate crime (Iganski and Smith 2011).

Interestingly, Chakraborti et al (2014, cited in Walters et al 2016[a]) found that although perpetrators were predominantly men, in cases where the victim knew the perpetrator, almost half were female. Further, Williams and Tregidga (2013, cited in Walters et al 2016[a]) found that women were least likely to commit transphobic crime (with 100% of transphobic hate crimes in their study being committed by men), but that a third of disablist hate crimes were committed by women. This perhaps highlights the need for differential responses to the different types of hate crimes committed, and the diverse motivations of perpetrators. It is notable from the literature that there is an absence of specific research into hate crime perpetrators and gender, and it may perhaps be useful to consider research into female criminality more generally when exploring hate crime.

Age

Iganski and Smith (2011) advise that hate crime perpetrators are generally concentrated in the younger age range, with over half of offenders cited in their study under the age of 25 involved in sectarian and racially aggravated offences, and half under the age of 30 for

homophobic offences. They highlight that this is similar to the age profile of offenders in general. The Scottish data for religiously aggravated offending demonstrates that 41% of reported offenders were aged 16-30, and 54% were aged 31-60 (Davidson 2016), perhaps representing a qualitative difference with this type of offending.

Ethnicity

Iganski and Smith (2011), in their empirical data on racially motivated offending in the UK, indicate that the majority of hate crime offenders classified themselves as 'white'; this is also reflected in US data. However, the study also highlighted that 8-9% of homophobic offences were perpetrated by people of Asian backgrounds. There is also discussion in the literature around "retaliatory" offenders being drawn from BME backgrounds and retaliating against the prejudice and hostile behaviours targeted at them (Dixon and Court 2015). Iganski and Smith (2011: 16) ultimately emphasise the salient point that "rehabilitation interventions cannot be constructed solely around the model of a white racist offender" and must be adaptable to the diverse characteristics of offenders.

Involvement in general offending

Again, research suggests that hate crime offenders tend to have previous convictions, with higher proportions of offenders convicted of racially aggravated offending having previous convictions, and perpetrators involved in extremist groups having extensive histories of violent offending (Walters et al 2016[a]). This has implications for CJSWs who are working with perpetrators, inasmuch that they are likely to already be known to criminal justice services and may be subject to existing statutory supervision. However, this research must be interpreted with caution as individuals with previous convictions in general are more likely to come into contact with the police and criminal justice agencies than those who do not. Some of the offenders being supervised by the CJSWs consulted with had previous convictions – some for hate crimes, and some related to general offending.

Substance use

When referring to the "thrill seeking" type of hate crime offender (outlined in the typology section below) and peer group dynamics, research indicates that this is frequently fuelled by alcohol or other substances (Byers et al 1999; Franklin 2000 cited in Walters et al 2016[a]). The recent Scottish data on religiously motivated offending outlines that 46% of those arrested were described by the police as being under the influence of alcohol, and 6% were

thought to be under the influence, or actually in possession of, drugs (Davidson 2016). Discussion with Police Scotland and the CJSWs in Edinburgh echoes this, with the professional discussions indicating that the link with alcohol and hate crime offending is borne out in reality.

Socio-economic background

The literature agrees that the majority of hate crime offenders tend to be unemployed, or in low-paid employment or economically inactive (Roberts et al 2013; Iganski and Smith 2011; Grampian Regional Equality Council 2006). Iganski and Smith (2011: 17) emphasise the connection between "socio-economic marginalisation and offending" (linking to the earlier points made about the potential socio-economic causation of hate crime), and that any rehabilitative measures must seek to explore and address this.

The Grampian Regional Equality Council (2013: 7), in their associated research for the Anti-Discriminatory Awareness Practice Training (ADAPT) intervention for hate crime offenders, provide a useful summary of the key characteristics of this group (although it is noted that they are referring specifically to racially aggravated offenders; nonetheless they state that a similar dynamic may be relevant in understanding disablist and homophobic offending):

> "Perpetrators…are much more likely to resemble than to differ radically from other offenders in the criminal justice system. They will usually have…the same level of problems with alcohol or drugs. Compared with the general population, they are much more likely to be unemployed or in poorly paid and insecure employment, to have left school with no or minimal qualifications, to have grown up in impoverished and deprived urban areas, and to have experienced family disruption and unhappiness. Further, most of them are young men…[they] typically feel powerless…devalued, overlooked, and neglected, and as a result have strong emotions of grievance and resentment…"

The Motivations of Hate Crime Offenders – A Typology

Most of the research on the causes of hate crime and the demographic profiles of perpetrators goes beyond this and explores the possible *motivations* of perpetrators. The most seminal work in this area has been that of McDevitt and Levin, who developed a 'typology' of hate crime offenders in 1993 and updated this in 2002. They analysed 169

Boston Police Department hate crime case files and posited that hate crime perpetrators could be classified into four categories – "thrill", "defensive", "mission", and "retaliatory" offenders (McDevitt, Levin and Bennett 2002). The four types are outlined below, including relevant UK examples derived from Walters et al (2016[a]) and the Diversity Awareness and Prejudice Pack (DAPP) created by Elizabeth Dixon of the London Probation Trust (no date given). Walters et al (2016[a]) note the important caveat that the authors looked only at hate crimes based on race/ethnicity, religion, and sexual orientation.

Thrill Seeker

McDevitt et al (2002: 307) found that most hate crime perpetrators (66% in their study) are motivated by the "thrill or excitement of the act", tending to be groups of bored young men led by a "ringleader" who have left their own neighbourhood to deliberately target someone from a minority group. The primary aim is to "display power and to experience a rush at the expense of someone else", and is linked to peer dynamics. Roberts et al (2013) found that racist and anti-LGBT hate crime was more likely than other types of hate crime to involve more than one perpetrator, which raises the question of group and peer dynamics in relation to certain hate crimes. The DAPP guidance (London Probation n.d.) adds that these offenders may be known to the Youth Offending Team and antisocial behaviour/housing departments for a range of offending and antisocial behaviour.

Defensive

McDevitt et al (2002) describe the second most common type of hate crime perpetrator (25%) as 'defensive' – that is, motivated by a perceived threat from "outsiders or intruders" moving into their neighbourhood (linking with earlier points regarding the causation of hate crime). The aim is to defend their territories by sending a message to members of the victim's 'group' that they are not welcome. The authors highlight that hate crimes can be associated with changing demographics in communities, which has implications when considering Scotland's increasingly diverse population and the areas in which people may settle and concentrate. Walters et al (2016[a]: 35) reiterate that this may also be the case with disablist hate crime and perceived notions of disabled people "sponging off the State", inducing a defensive reaction. London Probation (n.d.) highlight that these offenders may have a sense of "due entitlement" and offences can typically occur when alcohol is a disinhibitor, with victims being minority ethnic neighbours, shop staff, and police officers.

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Retaliatory

McDevitt et al (2002) categorised 8% of the perpetrators in their study as 'retaliatory' offenders. These perpetrators tend to commit a hate crime in response to situations where they feel the 'in-group' has been attacked by the 'out-group' – for example, "trigger events" such as 9/11 or those in London in 2005 and Paris in 2015, sparked violent retaliatory actions and a reported spike in hate crime (Walters et al 2016[a]). Whilst not perhaps quite fitting in to the 'retaliatory' typology, but arguably linked, The Guardian newspaper reported in October 2016 that, as well as the spike in all reported hate crime, homophobic hate crime (as reported to the LGBT anti-violence charity Galop) rose by 147% in the three months following the Brexit vote, suggesting that there was "...toxicity fostered by the EU referendum debate spreading beyond race and religion..." (Townsend 2016). Clegg and Rosie (2005: 35) noted that the Muslim, Sikh and Hindu focus groups they surveyed in Glasgow reported hate incidents and offences had increased since 9/11, with a number of participants describing abuse as having become more widespread and "having taken a more overtly religious or terror related, rather than racial, tone". Additionally, the introduction of equal marriage rights for same-sex partners in France led to street protests and an increase in violent offences against LGB individuals (ibid). London Probation (n.d: 15) add that retaliatory offenders can be viewed as "turning the tables" on others due to their own experiences of hate, and this will need to be taken into account when working with these perpetrators, particularly if they themselves are from a 'minority' group. One Criminal Justice Social Worker I consulted with, supervising an offender from an African background, indicated that she described her offending as being motivated by her negative treatment by white people in Scotland and therefore a 'retaliation' to this treatment.

Mission

McDevitt et al (2002: 309) expanded the typology to include a final perpetrator 'type', the mission offender, with only 1 out of their 169 cases entailing this. They advise that a mission perpetrator "becomes totally committed to bigotry, making it the primary focus of his life…the perpetrator seeks to rid the world of evil". These offenders will frequently be members of organised "hate groups" who co-ordinate protests and attacks against targeted groups. These perpetrators are likely to be motivated by "an ideology of hate" and are therefore more likely to perpetrate serious or fatal violence (Walters et al 2016[a]: 36). An example of a mission offender would be Anders Breivik, a far-right extremist who murdered 77 people in Norway in 2011 (ibid). London Probation (n.d.) also include "politically motivated offenders"

who may be British National Party or National Front members, or in Scotland the Scottish Defence League. Although this group of perpetrators comprises very small numbers, Walters et al (2016[a]: 36-37) caution that the 'types' of perpetrators may influence each other inasmuch that mission offenders, as well as the role of the internet and anti-immigrant political parties in "galvanising support for hate-based ideologies", may serve to "fuel wider climates of hate, fostering an environment within which [the other types] feel justified in committing offences."

Walters et al (2016[a]) also highlight the risk of over-simplifying the motivations of hate crime perpetrators, as these can be multiple. London Probation (n.d.) emphasise that staff working with perpetrators need to ensure that they have undertaken thorough risk assessments and that the typologies do not necessarily determine the level of risk (with the caveat that mission offenders are likely to pose the highest risk of harm). Returning to the limitations in McDevitt et al's typology, in that their research omits disablist hate crime, it might be argued that this does not fit neatly into the typology and requires further examination. Dodenhoff (2016: 2) concedes that there could be an element of 'thrill seeking' with disability hate crime, where victims are targeted "simply for a 'laugh'", and retaliatory behaviour committed by those fuelled by the media and political hype around disability benefit fraud. He adds that the typologies do not adequately account for other features of disability hate crime such as *exploitation*, where the victim is taken advantage of in some way. He also identifies a pattern of *domination*, where abuse, harassment and violence is instigated by an accusation such as being 'lazy' or 'fake', and "a form of scapegoating that may reveal our general discomfort with disability". Thirdly, Dodenhoff identifies attempts to *incarcerate* disability, either by blocking someone in their daily life, or by stopping disabled people from leaving their homes. He adds that males are more likely to engage in these thrill seeking or retaliatory behaviours, and females are more likely to indulge in exploitation (ibid). What seems clear is a need for further research into the 'types' of hate crime offenders, and possible revisions to the established typologies to account for other targeted behaviour.

8. Risk assessment and risk factors

It is notable from the literature reviewed that identifying risk factors and specific risk assessment research for this type of offender is difficult, with various searches producing very little results in this area and the London Probation Trust appearing to have undertaken the most work in this regard. It is also noted that the risk assessment used by CJSW in

Scotland, the Level of Service/Case Management Inventory (LS/CMI), does not list the aggravated offence types at the Court report (pre-sentence) stage. However, these types of offences are accounted for in the fuller assessment should an offender be made subject to community supervision. The London Probation Trust (n.d: 18) and Dixon and Court (2015: 382) highlight dynamic risk factors in relation to hate crime perpetrators and these are reproduced below. They advise that these pertain to research on racially motivated offending but would apply to offences involving the other protected characteristics. Risk factors from the original research in 2001 include:

- **Poor and problematic moral reasoning** – offenders' value bases may need challenging. A tendency to dehumanise victims and so justify their own behaviour;
- **Cognitive deficits** – for example rigid thinking; not being able to differentiate between fact and myth; absorbing racial or other prejudicial myths without question;
- **A distorted victim perspective** – failing to accept or acknowledge the realities of victims' experiences or the consequences of their own actions, and minimise their actions;
- **A predisposition to resort to violence as a means of conflict resolution** – many offences associated with this type of offending involve violence; the hate element of the offence is often not the single motivating factor;
- **Conflict with the individual's cultural identity** – offenders may have little concept of themselves or their 'culture' in the UK today. They may resent the perceived stronger cultural identity of other cultures (this may also be in relation to the erosion of traditional notions of 'masculinity' and linked with homophobic or transphobic hate crime);
- **A perception of territorial invasion** – being unable to accept the realities of multi-culturalism, feeling that the presence of other cultures somehow detracts from their own;
- **A distorted worldview** – expression of attitudes that demonstrate they have little knowledge about the world and are willing to accept myths. They might draw on social support in their own communities for racist attitudes and narrow stereotypical views. They relate to ideas of superior and inferior ingroups and outgroups. The erosion of traditional masculine and feminine identity may have had a negative impact and might require work.

It is of note that the first four risk factors would appear to be applicable to offenders in general, and, arguably, the fifth factor in relation to identity when considering the role of masculinity and identity in domestic violence offending, and when working with young male offenders.

Building on this in their later work, Dixon and Court (2015: 382) therefore propose the following "offender profiles" or dynamic risk factors, based on National Probation Service research and their practitioner experience:

- A minimisation and denial of the aggravated element of the offending;
- Blaming the victim and counter-accusations;
- An absence of victim empathy;
- A distorted sense of provocation;
- A sense of entitlement and alienation;
- A distorted idea about the victim and perceived differences;
- A poor sense of their own identity

Dixon and Court (2015: 383) add that in their experience, hate crime offenders tend to be persistent, 'generalist' offenders whose underlying prejudices (possibly subconscious) serve to aggravate the incidents and other offending behaviour, which can be "fleeting, impulsive, and circumstantial". Nonetheless, they caution that this behaviour still requires acknowledgment and a response, and the victims protected. They posit that practitioners need to be able to differentiate between perpetrators whose behaviour is less entrenched and perhaps more 'peer related' and circumstantial, as opposed to those who pose a future risk of targeted offending.

In their summary report of the Greenwich and Lewisham Hate Crime Project (2008), Court et al provide the only guide to the assessment of risk with this group of offenders that could be found from the literature for the purposes of this review. They highlight that the assessment of hate crime offenders should involve a multi-agency approach, with information drawn from a variety of sources including victim impact information, housing, and the police. The ultimate aim is to accurately assess the level of an offender's prejudice and hostility towards the target victim or group, and the likelihood of harm to the general public or specific individuals/ communities. For this Project, assessments tend to be informed by:

- The nature of the current offence;
- The pattern of previous offences;
- Any housing issues related to antisocial behaviour or harassment;
- Educational history – a history of bullying or exclusion for racist, homophobic, or religious abuse;
- Whether the offender is known to the local police hate crime monitoring unit or antisocial behaviour team;
- Any known links with other convicted hate crime offenders.

Court et al go on to advise that the above (multi-agency) pre-sentence assessment can serve to identify the level of intervention deemed appropriate to address the offending behaviour, and discuss in particular the use of the Diversity Awareness and Prejudice Pack (DAPP) as this is the primary intervention used with hate crime offenders in the London area. The principles of this are described here due to the potential applicability to the work of CJSW in Scotland. However, it is noted that a key difficulty faced by practitioners in Scotland is the lack of access to victim statements, which would inevitably hinder a full assessment.

Practitioners using the DAPP first undertake the "Client Questionnaire" (please refer to Appendix 2) at the pre-sentence stage with offenders in order to inform their assessment of the depth of the individual's prejudice, as well as advising the Court as to the level of risk posed (London Probation Trust n.d; 9-10; Iganski and Smith 2011).

This questionnaire was formulated using guidance from work with domestic violence offenders (Dixon and Court 2015). The London Probation Trust (n.d.) recommend a second brief interview at the pre-sentence stage in order to explore the attitudes and motivation to change more fully. The Client Questionnaire is an attitudinal questionnaire focusing on the individual's attitudes to the offence and towards minority groups and cultural identity, for example including statements such as *"I feel that the victim provoked me", "Minority ethnic people (or whomever the target group involved) get a lot of privileges that I don't"*, and *"I accept that some of my attitudes need to be addressed because they get me into trouble and cause grief to others"* (ibid). The questionnaire also assists in determining the individual's motivation to engage with supervision as well as levels of risk.

However, given the particular challenges that have been highlighted in relation to hate crime in that people tend to deny their prejudices and 'hate' motivation, questions arise around whether we can ever truly assess 'motivation' and therefore be in a position to appropriately target resources. Gleaning information from multiple sources will be useful in aiding an assessment of this, especially victim or witness statements; however, as stated, this is not something that is available to CJSWs in Scotland. Nonetheless, this is a tool that may be of use to CJSWs when assessing offenders at the pre-sentence stage and in targeting interventions.

Following on from the use of the Client Questionnaire and the multi-agency informed assessment described above, the levels of intervention proposed are:

- **No (DAPP) intervention** – assessed as low risk of harm and of re-offending. The offender takes full responsibility for their offending and displays remorse. Sentencing proposals to the Court may include unpaid work or a financial penalty.

- **Brief intervention** – cases where the offence appears to be *aggravated* rather than *motivated* by hate (own italics); prejudice may be an issue but not the prime motivating factor. Often generalist offenders who have a range of other criminogenic needs. Avoids a "counterproductive 'sledgehammer approach'" particularly if the risk of re-offending and of harm are relatively low. The offender may also require other interventions such as those relating to alcohol/substance use, or anger management.

- **Substantial intervention** – this addresses the high risk of harm offenders, where prejudice(s) and animosity towards certain groups are the motivating factors for the offending. Extensive one-to-one work using the DAPP resource is indicated. The authors recommend that this should be commenced in custody where relevant (this would not currently be possible in Scotland).

- **Resistant offenders** – those who are resistant to any intervention aimed at challenging their beliefs or behaviours. This group may be at the highest risk of analogous offending, therefore it will be useful to identify these individuals and implement monitoring functions.

The London Probation Trust (n.d.) also encourage staff to familiarise themselves with the Levin and McDevitt typologies of offenders mentioned earlier in this review and consider those on their caseload who may not have a hate crime as the index offence but may be perpetrators or potential perpetrators.

Additionally, it is worth noting the points made by Walters et al (2016[b]: 48) regarding risk assessment with hate crime offenders; they emphasise that a focus on risk management can "sometimes come at the expense of focusing on addressing offender behaviour". They highlight that where an offender is categorised as 'high risk', victims and offenders will be separated from each other during any formal criminal processes in order to protect the victim. However, they posit that, whilst risk assessments must be carried out in order to protect vulnerable victims and determine the risk levels for re-offending, "assessments for hate crime should not *automatically* mean that offenders be isolated and/or completely segregated from victims...the failure to bring offenders and victims together where possible will inhibit the workability of empathy-based and restorative practices" (ibid). How this would work in practice in Edinburgh, or Scotland in general, is beyond the scope of this review; however there is some research being undertaken on restorative justice in Edinburgh which may involve interesting developments in the field of hate crime – this will be expanded upon when specifically discussing restorative justice and hate crime.

9. 'What works' in addressing offending in general?

Before turning to 'what works' with hate crime interventions, it is necessary to provide a brief overview of the current approaches to assessing and managing offenders in Scotland. This is derived from Bonta and Andrews' seminal work, first coming into prominence in the early 1990s when moving from a 'nothing works' approach to offender treatment, to looking at 'what works' and why (2017: 175).

Risk-Need-Responsivity

Bonta and Andrews (2017) highlight that the Risk-Need-Responsivity (RNR) model has become the predominant model of offender assessment and 'treatment' in the world, and it is utilised in Scotland by CJSW services. The core principles are summarised below (ibid: 176-7):

- **Risk** – match the intensity of the service with the risk level of the case; work with moderate and high risk cases and avoid the interaction of low-risk with higher-risk cases;

- **Need** – target criminogenic need (needs which are related to the offending behaviour), and strive to develop these into strengths;

- **Responsivity** – utilise behavioural, social learning, cognitive-behavioural, and skill-building strategies. Importantly, adapt the style and mode of the intervention according to the setting and relevant characteristics of offenders such as age, gender, ethnicity, motivation levels, personalities, and any other relevant characteristics.

- **Assess strengths** – to enhance prediction and specific responsivity effects.

- **Structured assessment** – employ structured and validated risk assessments that assess strengths as well as risk-need-specific responsivity factors (the Level of Service/Case Management Inventory is used across Scotland).

- **Overarching principles** – deliver the service with respect for the person, including respect for personal autonomy, being ethical and fair, and considering normative factors such as attending to trauma or parenting concerns for female offenders, or personal well-being for those with mental health issues.

- **Community-based** – community-based services are preferred but the principles can also apply within custodial settings.

- **Staff skills and qualities** – high-quality relationship skills; respectful; caring; enthusiastic, collaborative; the use of motivational interviewing; pro-social modelling; effective reinforcement and disapproval; problem-solving; skill-building; effective use of authority.

The 'Central Eight' Risk/Need Factors

In terms of assessing risk/need and establishing 'treatment' goals with offenders, the 'Central Eight Risk/Need Factors' have been identified as aspects related to recidivism. These are incorporated in the LS/CMI assessment, and any work with offenders subject to supervision should seek to address the identified factors, where relevant. These are (ibid: 337):

- Criminal History
- Antisocial Personality Pattern

- Pro-criminal Attitudes
- Pro-criminal Associates
- Family/Marital
- School/Work
- Leisure/Recreation
- Substance Abuse

CJSW services in Edinburgh have developed a range of services to target the needs of general offenders (community intervention teams working with all offenders, and a specific team offering groupwork and one-to-one work for males aged 18-and-over convicted of general offending), offenders convicted of domestic abuse and sexual offenders (both groupwork and one-to-one work), and a specific service to address the needs of female offenders.

Desistance and the Good Lives Model

Employing a purely RNR approach has been criticised due to the emphasis on risk and tackling criminogenic need to the detriment of other needs and processes (ibid: 341). As such, desistance theory has served to enhance our approaches to working with offenders in Scotland, with desistance describing "the process by which an offender ceases to engage in criminal behaviour" (ibid: 341). In sum, the process of desisting from offending for offenders can involve maturation, gaining employment, forming a positive, pro-social intimate relationship, gaining a sense of control or 'agency' over their lives, and changes in offenders' narratives/scripts and self-identity (ibid: 342). Developing a positive supervisory relationship with offenders is key to supporting this process of desistance.

In addition, the Good Lives Model has gained credence in work with sexual and domestic offenders, with the current intervention for sexual offenders in Scotland being based on its principles. This emphasises fundamental human needs and the pursuit of "basic goods", rather than an emphasis on criminogenic needs and avoidance of certain places, people, or behaviour (ibid). These basic goods are: life (including healthy living and functioning); knowledge; excellence in play and work; excellence in agency (i.e. autonomy and self-directedness); inner peace (i.e. freedom from emotional turmoil and stress); friendship (including intimate, romantic, and family relationships); community; spirituality (finding meaning and purpose in life); happiness; and creativity (Willis and Ward 2011), with

proponents of the model arguing that attaining these basic goods will address criminogenic needs and subsequently reduce or cease offending.

Any interventions with hate crime offenders will be underpinned by an RNR and desistance approach, and there is arguably scope for the principles of the Good Lives Model to be applied.

10. Hate crime interventions

Taking into account the scope and nature of hate crime, the varied root causes, the characteristics of perpetrators, assessing risk in this area of practice, and how we work with offenders in general, how do we best respond to hate crime and what constitutes effective practice with hate crime interventions? What is clear from the literature is that there has been no dialogue with CJSW in Scotland when reviewing interventions and work done with perpetrators in reducing or preventing hate crime. The Criminal Justice Social Work Development Centre for Scotland produced a paper in 2009 exploring race and hate crime and the responses to it, yet the section on 'community interventions' made no mention of CJSW and working with perpetrators (Jardine and Bellamy 2009). Equally, McBride's 2016 report does not refer to CJSW when exploring resources for tackling hate crime. The recent report of the Independent Advisory Group on Hate Crime, Prejudice, and Community Cohesion (2016), produced for the Scottish Government, recommends gaining a better understanding of the composition and motivation of perpetrators in order to address the behaviours and harm caused; arguably CJSW services would be ideally placed to contribute to this research given the work and engagement with existing perpetrators.

Chakraborti and Garland (2015: 128-9) highlight that hate crime requires a unique response in that it serves to "express our collective condemnation of prejudice and the value of diversity and equality; to send a declaratory message to offenders; to convey a message of support to victims and stigmatised communities; to build confidence in the criminal justice system…and to acknowledge the additional harm caused by hate offences." They also emphasise that the needs of both hate crime victims and offenders are not always best addressed via a punitive approach, and highlight the emergence of restorative approaches which will be discussed later on. Dixon and Court (2015) add that working with perpetrators not only impacts upon reconviction but, importantly, increases the knowledge base on why and when hate crime occurs.

When considering the rehabilitation of hate crime offenders, there is a consensus in the literature that there can be no "one size fits all" approach due to the diversity in the causes and motivations of hate crime, and there being no one "type" of offender (Iganski and Smith 2011), as well as the diversity of the protected characteristics themselves. Iganski and Smith (2011: 20) highlight that an intervention should be flexible enough to take into account the varied range of impulses and motivations of offenders committing hate crimes, and, crucially given what has been outlined above, be able to manage "the balance between specialist provisions targeted at the attitudes and beliefs of hate crime offenders, and generalist provisions focusing on the needs that hate crime offenders share with other offenders." In this regard, CJSW may be very well-placed to achieve this balance. Roberts et al (2013: 54) outline the general "treatment responses" to hate offenders, advising that psychiatric, psycho-educational, counselling, and rehabilitation programmes are included within this. They draw attention to the notion that the impact of these responses is lessened when dealing with more serious hate crime, with persistent violent hate crime and "terrorist" offenders being the "least treatable group" (Dunbar 2003 in Roberts et al 2013).

Dunbar (2003 in Roberts et al 2013: 54) posits that the use of psycho-educational programmes incorporating diversity education, interpersonal skills development, and anger management "has yet to be proven efficacious in reducing recidivism risk of hate crime offenders". As is referred to above, and according to Dunbar (ibid), an intervention that also seeks to address the wider issues of poverty, substance use, and the use of violence will be most effective. With the consensus appearing to be that the majority of hate crime offenders are "generalists who are involved in a variety of offending activity over time" (Iganski 2012), it would seem that general approaches to working with offenders such as the Risk-Needs-Responsivity model or a desistance approach would still apply, and the GREC (2013) adds that a well-designed, research-based programme for racially motivated offenders should have "many elements in common with general offending behaviour programmes, with additional more specialist elements" intended to address the hate crime facet of the offending.   There are a variety of specific hate crime interventions across the country (and internationally), as well as other approaches incorporating one-to-one work, groupwork, mediation, restorative justice, and inter-group contact. These will be expanded upon below when reviewing the existing hate crime interventions.

A note on Edinburgh

When exploring the hate crime intervention landscape in Scotland, and within CJSW in Edinburgh, it is evident that there has been very limited focus on this. The City of Edinburgh Council has a Hate Crime Outcomes, Indicators and Action Plan 2012-17 bringing together Police Scotland, the NHS, the City of Edinburgh Council, and other agencies to tackle hate crime. The Plan states that hate crime often falls into the antisocial behaviour category, and that it holds a "high priority status" within the Council's antisocial behaviour strategy (City of Edinburgh Council 2013). The Council's Lead Officer for Hate Crime referred to a previous Hate Crime Strategic Development Group, which included representation from CJSW, but this group is no longer operational. However, there is the Hate Crime Community Improvement Partnership, which recently tendered funds of £40,000 as part of the Islamophobia Participatory Budget for non-statutory organisations to devise hate crime events. The Lead Officer also referred to the Council's commitment to reducing and preventing hate crime on public transport around the city. The Council additionally has a "Prevent Professional Concerns Protocol", taking into account Section 26 of the Counter Terrorism and Security Act 2015 which places a duty on local authorities to have "due regard to the need to prevent people from being drawn into terrorism" (mentioned earlier), with the process designed to track and record specific cases related to violent extremism and/or terrorism (City of Edinburgh Council 2016).

Regarding the only hate crime intervention in Scotland, ADAPT (discussed further below), the consultations with CJSW practitioners, including in the specialist female offenders team, revealed that only two people out of the seven are aware of it but had never used it as a resource. Practitioner response from the Young People's Service in Edinburgh, working with offenders age 8-18, reveals that one practitioner has adapted the Diversity Awareness and Prejudice Pack (DAPP) devised by the London Probation Trust and had also never heard of ADAPT. A further discussion with CJSW managers in East Lothian and an area of Glasgow demonstrated that they also had no awareness of the resource. I did not receive responses from CJSW managers in the other local authorities I contacted.

An overview of the elements of hate crime interventions

There is a degree of consensus in the literature as to the "common components" of rehabilitative interventions for hate crime offenders (Court et al 2008; Iganski and Smith

2011; Iganski 2012; Walters et al 2016[b]). These are amalgamated from Iganski and Smith (2011: 44-45) and Iganski (2012: 3-5) and include:

- **Acceptance, understanding, and trust** – rather than the rejection and condemnation of hate crime offenders. This also involves avoiding moral judgement and 'labelling' of offenders, and establishing trust between workers and offenders (in this way similar to work already undertaken with sexual offenders and domestic violence offenders in Edinburgh);
- **Victim empathy** – a belief that if the offenders' awareness of the impact and consequences of their actions/words can be increased, they might not behave in a similar manner in the future (also linked to this are restorative justice elements and practices);
- **Anger and emotion management** – encouraging insight in the offender as to how they might be displacing their anger (often caused by their own personal and social difficulties) on to others, and how this might be addressed;
- **Awareness of prejudice and bias** – challenging this and respecting diversity. Many programmes have an "educational component" that seeks to increase offenders' awareness of stereotyping and prejudice and to promote cultural awareness. The educational component should also include the relevant legislative context;
- **Groupwork and group dynamics** – some programmes advocate the use of groupwork and the relationship dynamics between the participants in order to promote reflection and behaviour change; however this is not a widely-used feature of UK programmes and its efficacy is disputed (London Probation Trust n.d.).

In light of this, what follows is an overview of the principal hate crime interventions within the UK identified from the literature, with summaries of the key features and evaluations of the interventions taken from the existing literature. There are a number of international interventions which are not explored here due to the scope of this review; further information on these is contained in Iganski and Smith (2011), Iganski (2012), and Weilnbock (2012). Where possible, source material from the original intervention has been referenced.

'Diversity Awareness and Prejudice Pack' (DAPP) – A toolkit for work with offending behaviour, prejudice and hate (London Probation Trust)

The DAPP was initially developed in 2001 and has become a well-established programme. It initially focused on racially motivated offenders, but has now been extended to include the other protected characteristics. As described earlier, the DAPP makes use of Levin and McDevitt's typology of offenders and provides guidance on assessment. The intervention is delivered on a one-to-one basis with offenders on community orders or post-custodial licences, and can be delivered in custody (Iganski and Smith 2011). It is posited as both an assessment and intervention tool (London Probation Trust n.d.). Iganski and Smith (2011) note that some voluntary groups and housing organisations have used the DAPP toolkit where relevant.

The programme is comprised of seven modules and utilises interactive exercises, visual aids, videos, and homework exercises. The modules cover:

- Socialisation processes from childhood;
- Personal identity, offending attitudes, beliefs and values;
- Thinking skills to avoid offending;
- How prejudicial attitudes contribute towards offending;
- Enhancing victim empathy;
- Targeted violence;
- Strategies to avoid relapse in offending and managing prejudices more constructively.

The overall aims of the programme are to reduce the risk of re-offending and protect victims; show offenders how and why their beliefs were formed and how this contributes to their offending; enable offenders to develop a stable sense of their own identity; challenge offending attitudes; and reiterate that persistence in hate-related views puts offenders at risk of further offending and places the public at risk (Iganski and Smith 2011). Dixon and Court (2015: 385) add that the toolkit draws on Finkelhor's theory of offending to look at the process and purpose of offenders' actions and highlights how prejudice can contribute to the "dehumanisation" of outgroups and the victim(s). They highlight that one of the most powerful exercises in the DAPP is the "community project", whereby the practitioner designs a project to involve the offender in their "diversity journey" – for example, with the Greenwich

and Lewisham Hate Crimes Project, offenders attend the police's 'Racial Attack Monitoring Unit' to meet staff working with victims. Supervising Officers are encouraged to persist with the programme even when there is denial of prejudiced attitudes, as progress can occur at any stage.

Training in the use of the toolkit is recommended (London Probation Trust n.d.). Iganski and Smith (2011) note that over 2000 offenders have undertaken the programme since it began, with outcomes being measured via re-offending and compliance/breach rates. An unpublished evaluation by the London Probation Trust in 2005 indicated that staff emphasised the need for a one-to-one approach in order to minimise collusion between offenders, and offenders themselves favoured a one-to-one approach. They found that offenders generally felt that they were more aware of their attitudes and beliefs relating to prejudice, as well as greater sensitivity towards others (Iganski and Smith 2011; Walter et al 2016[b]). Current data regarding re-offending and compliance/breach rates has not been sourced, nor made available by the DAPP author in our correspondence.

'Anti-Discriminatory Awareness Practice Training' (ADAPT) – Grampian Regional Equality Council (Scotland)

ADAPT was developed in 2006 with Scottish Government funding by the former Grampian Racial Equality Council, now the Grampian Regional Equality Council (GREC), by Jeannie Felsinger (Co-Director of GREC) and delivered by her from 2007-2009 when funding ceased. It draws upon the DAPP and other generic offender programmes such as the Priestley One-to-One Programme and Targets for Effective Change, with a cognitive-behavioural approach, but was tailored to ensure relevance to the specific ethnic and racial tensions in the Grampian region – it can also be adapted for use with perpetrators of other types of hate crime. ADAPT is the only existing Scottish programme for generic hate crime offenders, and the authors make the point that it should be adapted to local conditions in order to make it relevant and responsive to the diversity of the area in which it is being used. In the associated guidance for practitioners, the ADAPT authors (2013: 9) state that the overall aim, in line with other generic offending behaviour programmes or work with offenders in general, should be to "promote primary desistance (managing to stay out of trouble) but also to begin to encourage secondary desistance (in which people come to see themselves differently, as the kind of people who would not commit hate crimes)".

The programme consists of 12 one-to-one sessions and includes 44 resource exercises. It incorporates material relating to prejudice such as the 'Eye of the Storm' video and historical material on Scottish migration. The sessions cover, in summary:

- Getting to know the client
- Victim work – developing victim empathy; stereotypes, prejudice and discrimination; effects of racist offending on the wider community;
- Cultural Awareness – migration; globalisation;
- Anger and assertiveness – understanding the process of anger; the stages leading to violence; misdirected anger; learning to express anger assertively;
- Reducing re-offending – Cycle of Change; risk analysis; statement of intent.

The ADAPT guidance outlines its key underlying principles for the intervention (commensurate with the general principles identified above), emphasising the need for creating a supportive, accepting, non-blaming and non-judgemental environment but without collusion, whilst continuing to be accountable to the Court and an adherence to public protection and risk management (GREC 2013). Again, training for practitioners in the use of the tool was recommended but this was not widely provided due to the limited funding.

Eight offenders undertook the programme as part of a Court order, and one was referred by the Procurator Fiscal. Five of the eight offenders on Court-mandated orders completed the programme, and the non-Court-mandated offender did not complete it. ADAPT was independently evaluated by Dr Carmen Fyfe from Robert Gordon University, Aberdeen, who used psychometric testing at the start and end of the intervention. The participants were contacted 12 months after the intervention and only one had committed an offence, which was not a hate crime. The authors state that whilst this is encouraging, "the number involved is too small for any confident claims of effectiveness" (ibid: 16). CJSW in Edinburgh has electronic access to ADAPT - however, as stated above, this is not common knowledge and it is not widely used. GREC is offering a three-day training course in the use of the tool should this be funded by the local authority.

Sacro's Anti-Sectarianism Service - North and South Lanarkshire, West Lothian, Fife and Forth Valley, and STOP (Sacro Tackling Offending Prejudices) Hate Crime Service

The aim of Sacro's anti-sectarian service is to tackle the problems caused by intra-Christian sectarianism in Scotland and to reduce its negative effects on society. This service is for individuals who commit sectarianism offences who reside in the above areas. The main strand of the service is a Diversion from Prosecution Programme, suitability for which is decided by the Procurator Fiscal and/or Early Effective Intervention Team. On receipt of a police report, the Procurator Fiscal or Early Effective Intervention Team can choose to divert the individual to Sacro's Anti-Sectarianism Service (SASS), or other service provider. Engagement with the programme is voluntary, albeit possibly in a limited sense given its position within the criminal justice system, as criminal convictions are still possible should the individual fail to complete the programme to a satisfactory level. This service can also be used as part of a sentencing disposal within a Children's Hearing or Sheriff Court.

The programme generally runs over 14 weeks and is based around six modules which can be completed within a group or on a one-to-one basis. It is based on behavioural and attitudinal change, using cognitive-behavioural techniques. The sessions support the individual to understand why they behave in a specific way and take ownership of their attitude and behaviours to ensure positive changes so as not to repeat the offence. At the end of the programme, the individual will complete an action plan which will involve ongoing support and identify further needs which may also require to be addressed through services provided by Sacro or other agencies. Sacro also widened this out to provide a service for all hate crime perpetrators, again as a diversionary scheme - this covers Glasgow and Motherwell (SACRO 2017). Despite Edinburgh having the second highest number of religiously aggravated charges reported in 2015-16, the anti-sectarian service does not include Edinburgh. Additionally, there appears to be no published information related to an evaluation of the scheme or its outcomes.

'Can You Hear the Bigots Sing?' – Iona Community (Scotland)

Continuing in the Scottish context, 'Can You Hear the Bigots Sing?' was a programme established in 2009 by the Iona Community, a Christian ecumenical organisation, aimed at tackling sectarianism. This was initially piloted with young offenders in HMP YOI Polmont but received Scottish Government funding to be piloted with adult offenders in HMP Addiewell and HMP Barlinnie in 2009 and 2010, and further funding in 2011 to be delivered

in HMPs Glenochil, Greenock, and Kilmarnock. The programme was delivered to groups of up to 12 prisoners and aimed to change sectarian attitudes and other forms of prejudice over seven two-hour sessions. Evaluation questionnaires from the pilots demonstrated participants having more positive attitudes related to sectarianism (Iganski and Smith 2011). No previous or current material related to this programme was sourced during the literature search. The Iona Community were contacted (the original author of the programme is no longer there), however no response was received.

Contact with the Scottish Government indicated that responsibility for this programme was conferred to the Scottish Prison Service (SPS); correspondence with SPS confirms that it is no longer operational.

'*Promoting Human Dignity' – Merseyside Probation Trust*

This is a community-based programme for racially aggravated offenders, established in 2006 by the Merseyside Probation Trust. The name was changed from 'Against Human Dignity' to 'Promoting Human Dignity' in 2008 to convey a more positive message (Palmer and Smith 2010).

The programme was initially delivered on a one-to-one basis but a groupwork version was implemented in 2008. It consists of 14 weekly two-hour sessions, with participants expected to complete 'homework' between sessions (as with most programmes). The sessions include discussions around the process of labelling and discrimination, the relationships between emotion, thoughts and behaviour, alternative ways of thinking, how life experiences affect feelings, beliefs and behaviour, the impact of racially motivated offending on victims, and relapse prevention (Iganski and Smith 2011). The programme uses the principles of Rational-Emotive Behavioural Therapy - a type of cognitive-behavioural therapy focusing on helping clients to change irrational beliefs (Cherry 2016).

The programme was evaluated in 2008-2009 through observations, interviews, and analysis of documents. Offenders gave generally positive accounts of their experiences of both the individual and the groupwork programmes, becoming more positive as time went on. They saw the relevance of the programme to real-life situations, and appeared especially influenced by the work on victim empathy and managing emotions. A groupwork programme was deemed feasible despite reservations that racist views may intensify in a

group setting; this did not seem to occur. The evaluators advise that it is difficult to comment on the efficacy of the programme in promoting desistance from offending but assessed the programme as being in line with the research into successful interventions and therefore state: "...while we cannot say, 'This works', we can certainly say, 'This ought to work'", advising that it is an example of "...skilled, creative practice..." (Palmer and Smith 2010: 37-38).

'Think Again' – West Yorkshire Probation Trust

This programme has its origins in 2004, when Home Office funding was awarded to the West Yorkshire Probation Trust for the adaptation of an existing generic offender programme, the Priestley One-to-One Programme, for use with racially motivated offenders. Think Again was then developed in 2010, again for use with offenders subject to community-based orders. Its author states that she wished to develop a programme which incorporated the thinking of Carl Rogers (1980 in Davis 2015), particularly in relation to motivational interviewing, deemed fundamental to meaningful engagement and rehabilitation. Davis (2015: 391) states that Think Again was thus developed with the four tenets of motivational interviewing as key concepts – express empathy; develop discrepancy (by creating cognitive dissonance); support self-efficacy; and roll with resistance. She advises that the programme "steadfastly avoids straying into a style that might be experienced as educative or paternalistic" (ibid: 391), with individuals being encouraged to consider the reliability of any information they may believe to be fact. Victim awareness and empathy do feature in Think Again but is not a core facet of the intervention, based on the findings of meta-analyses which posited increasing victim empathy does not in fact reduce re-offending (ibid).

The programme seeks to empower participants to develop "their own sense of place, purpose and potential and secure a positive foothold within society…and their tendency to scapegoat others starts to fade" (Iganski 2012). Davis (2015: 393) puts forward that the offender does not have to "admit" to being racist or otherwise prejudiced, and that this may be counterproductive to the work. She posits that an intervention that is "rounded, problem solving in content, and motivational in style" is more likely to be effective than one that attempts to directly address the discriminatory behaviour. There has been no independent evaluation of the programme (Walters et al 2016[b]).

'Turning the Spotlight on Hate Crime Programme' – AWAZ (Cumbria)

This programme was developed as an initiative by the Cumbria Office of the Police and Crime Commissioner and is delivered by AWAZ Cumbria (a BME community organisation) in partnership with other voluntary organisations. It is a holistic programme designed to assist and support individuals who have been perpetrators of hate crime/incidents, or who are at risk of offending, to desist from prejudice-based offending behaviours. They accept referrals from any organisation or individual supporting people who perpetrate or are at risk of engaging in hate-related behaviour, with self-referrals also accepted. The aim of the programme is for participants to have a better understanding of different types of communities across Cumbria and their diverse cultures, inequalities and strengths, with the ultimate aim of tackling hate crime and reducing re-offending. Victim empathy work is also included, raising participants' awareness of the impact of hate crime on victims, witnesses and their families, as well as increasing knowledge of the consequences of a hate crime conviction for the perpetrator (AWAZ Cumbria 2017). Again, no evaluations of the programme appear to have been undertaken (Walters et al 2016[b]).

'Challenge Hate Crime Project' – Northern Ireland

The Challenge Hate Crime Project in Northern Ireland consisted of a multi-agency Research Advisory Group and a Practice Advisory Group informed by the German-based Violence Prevention Network, with the aim of developing and delivering an evidence-based model of intervention in a Northern Irish context. It was devised in 2010 and ended in 2012. The intervention itself was named 'Challenge to Change' and involved 30 prisoners convicted of hate crime, working with them both in custody and when in the community (Iganski 2012). Participants underwent an initial assessment meeting with a therapeutic facilitator from the programme team who determined the most appropriate therapeutic approach and assessed suitability for the groupwork, as well as an assessment of the community context to which the individual would be returning upon release. The programme offered a one-to-one intervention over 12 weeks via a range of psycho-therapeutic approaches, including Cognitive-Behavioural Therapy as well as integrating several other relevant therapies (ibid). The individual work took into account the "intense psychological and behavioural factors involved in the process for a person to be motivated to change" (ibid: 20), and the sessions continued in the community where necessary. Groupwork was also offered to small groups of participants and included information on understanding tolerance, diversity, equality, and societal responsibilities (ibid).

An internal evaluation of the programme was conducted using semi-structured interviews with 18 of the participants as well as an analysis of case files. The evaluators found that the "multi-modal...and the mediative and therapeutic approaches were valuable" (Compass 2012 in Walters et al 2016[b]: 30), but that only a very small number of the interviewees accepted that prejudice was a factor in their offending, instead attributing it to alcohol or drug misuse. As such, this made a true assessment of the effectiveness of the programme problematic (ibid).

'Smile Mediation Hate Crime Awareness Programme' – Lancashire

This programme was instigated by Lancashire Constabulary in 2007, being designed and delivered by Smile Mediation, a not-for-profit organisation who provide community, workplace and family mediation, as well as the Hate Crime Awareness Programme founded on restorative justice principles (Iganski 2012). Iganski et al (2015) highlight that the origins of the programme reflect the idea that the court system is limited in terms of reducing re-offending, and that a non-punitive intervention may be more effective. One of the key founding principles is the notion that many hate crime offenders are not fully aware of the consequences of their behaviour at the point of offending and this 'early intervention' approach which aids them in developing insight may serve to reduce further offending more effectively than a more punitive approach. Offenders attend as a condition of a court order or as a requirement of post-release supervision.

Iganski (2012) notes that 72 offenders convicted of racially aggravated offences have attended the programme thus far, with the majority of their offending involving verbal abuse. The programme is delivered by two specialist mediators in a two-hour individual session, with a briefer follow-up session six weeks later. The fostering of victim empathy is the primary aim, with the programme aims including enabling participants to:

- Empathise with the victims of their offence so that they will be more aware of the impacts and consequences of their behaviour and consequently think twice before behaving in a similar way again;
- Handle the emotional, personal and social 'baggage' that might have provided the antecedents to their offence, and;

- Manage their emotions, and especially their anger, in situations of stress so that they might be less likely to lash out when hurt.

During the two-hour session, the topics covered are: a review of the incident; 'how hate crime hurts people'; 'being different is okay – living in a multicultural and multiracial society'; 'about conflict'; and 'looking to the future – potential ways of changing attitudes and responses'. The mediators ask participants to consider three actions they can take to change their behaviour, as well as thinking about where they want to be in six months' time and action planning. An empathy questionnaire is administered at the beginning and the end of the intervention (Iganski 2012; Iganski et al 2015).

An evaluation of the programme in 2012 exploring reoffending rates for those who had completed it found that 45% of offenders who had attended the programme reoffended following completion, compared to 75% of a control group who had been dealt with by the court for racially aggravated offences (Walters 2016[b]). Interestingly, none of the offenders who had attended the Smile programme were charged with a racially aggravated offence, giving an indication that this programme might be more likely to reduce racially aggravated offending than an alternative court disposal (Iganski 2012; Iganski et al 2015).

Restorative Justice and Hate Crime

The use of restorative justice (RJ) practices and approaches has been increasing over the past 15-20 years, particularly for 'low-level' offences (Walters et al 2016[b]). The most oft-referenced definition for RJ is that of Marshall (1999 in Walters 2015: 401) – "restorative justice is a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future". Walters (2015) highlights that despite the growing utilisation of RJ practices, there has been some resistance to its widespread use with hate offences due to concerns that it will lead to further victimisation, or that it is viewed as a 'soft option'. Nonetheless, the recent report by the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion (2016: 20) for the Scottish Government recommended that "the Scottish Government and partners should explore the use of restorative justice methods with victims and perpetrators of hate crime", with support for an RJ approach also coming from central government in England (Couvee 2016), and in the European context (Christoforou et al 2015).

Walters et al (2016[b]) and Walters (2015) advise that RJ practices (currently utilised both within and outwith the criminal justice system) can involve victim-offender mediation, community mediation, family group conferencing, police restorative disposals, and Neighbourhood Resolution Panels. Walters (2015: 400) posits that traditional "retributive justice" fails to consider that seemingly isolated hate offences typically form part of a "process of victimisation", with many of these incidents occurring within broader inter-personal conflicts between local community members and with several underlying causes. As such, he argues that RJ has a place in attempting to resolve these complex disputes and repair the harms. Walters (2015) cites research indicating that a higher percentage of victims are satisfied with restorative interventions compared to more traditional criminal justice processes, and that RJ may be more effective in lessening the emotional trauma caused by crime. The primary aims of an RJ intervention are to encourage those who have harmed to take responsibility for their actions and to repay the damage they have caused directly to the victim, whether that be emotional or material reparation (ibid). At the core of RJ processes is the development of "empathic connections" between those involved, which will then engender an understanding of how the offence has impacted the person (Walters et al 2016[b]). A key element that has been consistently demonstrated to be associated with increased empathy is the notion of "intergroup contact" (ibid), which will be expanded upon later.

Walters (2015) and Walters et al (2016[b]) emphasise that due to the limited use of RJ disposals with hate crime, there has been very little research into its true effectiveness with this type of offending. Nonetheless, some limited qualitative data has helped to identify useful information on the key aspects of the RJ process in relation to hate offences. These are presented by Walters (2015: 402):

- '**Story-telling'** – offering victims a voice in order to bring them from feeling disempowered to empowered by telling their story;
- **Practitioner support** – being listened to by practitioners can be a great source of comfort for victims;
- **Assurances of desistance (by the offender)** – it is fundamental that the RJ process brings an end to the victim's ordeal;
- **Protecting against re-victimisation** – by ensuring that all participants are thoroughly prepared for the process. Facilitators must meet with each participant

before any direct contact occurs, and assess beforehand whether any deeply-held prejudices and hostilities may arise. All participants must be voluntarily engaging and the offender must be prepared to take responsibility for their actions. Ground rules for direct communication must be outlined, based on principles of respect and equality;

- **Including appropriate supporters** – these might be pro-social supporters such as a teacher or sports coach, but may also be drawn from the offender's family or community where the prejudices have been formed; there may be benefits to safely including them as the offender will be reintegrated back into communities and the attitudes and behaviours may be challenged or modified;

- **Cautions** – the "social distance" between some participants may mean that the formation of empathic connections is difficult and stereotypes are less likely to be deconstructed. Victim stories may fuel further hostile responses and a reinforcement of the view that the victim is "different";

- **Common standards of RJ practice** – must be introduced and consistently administered and adhered to by fully-trained practitioners.

Walters (2014: 2) and Walters et al (2016[b]: 23) focus on two main restorative interventions – Community Mediation, administered by the Hate Crimes Project at Southwark Mediation Centre, and the Restorative Disposal, administered by Devon and Cornwall Police since 2008. The community mediation service received positive outcomes, with 17 out of 23 hate crime victims interviewed stating that the mediation process "*directly* improved their emotional well-being" due to the standards of RJ practice outlined above, and with 11 out of the 19 cases of ongoing hate crime incidents ceasing directly after the mediation process occurred. A further six cases stopped after the mediator involved other agencies such as schools, social services, community police officers, and housing staff.

However, the findings for the police restorative disposals were not as encouraging – only seven out of the 14 victims expressed satisfaction at the outcome of their case, with some of the reasons involving feeling "pressured" by the police to agree to the intervention, non-genuine apologies from the offender (several had been written on a notepad without any explanation as to why they had committed the offence), and a lack of opportunities to have direct dialogue with the offender and 'tell their story'. Nonetheless, Walters (2014) posits that the research demonstrates the very low likelihood of victims feeling re-victimised by an RJ process, and the continued need for experienced and fully-trained restorative

practitioners who understand the key values of RJ but also the "sensitive dynamics of hate crime victimisation". Walters also advocates for a multi-agency approach to address hate crime, with an RJ approach being part of this (ibid).

Roberts et al (2013) highlight however that in the context of RJ, "most activity is carried out by voluntary and community organisations in the shadow of the criminal justice system, not by it" – this appears to reflect the current CJSW landscape in Scotland in relation to RJ and would require in-depth research, funding, and development by relevant parties. A representative from Victim Support in Edinburgh discussed the need for an RJ intervention in order to be better placed to produce more positive outcomes for victims, and a representative from the Scottish Government's Hate Crime, Community Cohesion and Violence against Women department referred to guidance on RJ currently being prepared by the Scottish Government – this is not specific to hate crime; nevertheless it will be interesting to monitor its development with a view to establishing where hate crime may fit in.

Within the CJSW context in Edinburgh, equivalent research is currently being undertaken with a focus on developing a restorative, community-led, problem-solving approach to offending that includes perpetrators of crime and victims being brought together to attempt to heal the harm that has been caused through offending, and increase understanding of the effects of negative behaviour on individuals and local communities. A pilot RJ and hate crime scheme is therefore being proposed for CJSW services in Edinburgh for offenders on Community Payback Orders with Supervision Requirements who have been convicted of a hate offence (subject to a robust assessment in relation to the appropriateness of a restorative justice intervention), with a view to developing this later in 2017 and leading to an eventual roll-out of RJ with all types of offending. Training in restorative justice has been provided for CJSW practitioners in Edinburgh.

Intergroup Contact

Related to restorative principles and practices is the notion of intergroup contact and its utilisation in reducing prejudice and hostility between 'groups'. This is predicated on the concept of the 'contact hypothesis' (first posited by Allport in 1954; cited in Roberts et al 2013; McBride 2016) – the notion that prejudice may be reduced by "equal status contact between majority and minority groups in the pursuit of common goals" (Understanding Prejudice 2016). Hewstone (2012 in Roberts et al 2013) found that contact between diverse

communities over time will lead to increased trust, but that simply living in the same community is not sufficient (as we see with victims of hate crime who are targeted by neighbours and community members) – the contact has to be direct and must be meaningful. Roberts et al (2013: 55-6) summarise the key dimensions of contact:

- **Direct Contact**
  - Quantity of contact i.e. the frequency of interaction with 'outgroup' members – how often do people meet up with or talk to other groups where they live/shop/socialise?
  - Quality of contact – nature of the interaction with outgroup members – is it positive/negative; friendly/unfriendly?
  - Cross-group friendship – being friends with outgroup members.
- **Extended Contact**
  - Indirect/vicarious contact via family or 'friends of friends' – how many family members or friends have friends from the 'outgroup'?

McBride (2016) highlights research indicating that individuals holding highly prejudiced attitudes benefited more from intergroup contact, although it is not clear why this is. She emphasises that prejudiced individuals are more likely to deliberately avoid contact with other groups, therefore considering how to promote opportunities for contact when designing interventions is very important. However, Pettigrew (1998 in McBride 2016) adds that the contact should be of sufficient length to allow the development of friendships between members of different groups – a feature that would not be possible in a CJSW intervention. Additionally, McBride (2016) highlights that exposure to different groups itself is not sufficient, citing the example of gender relations – men and women have high levels of contact, yet gender stereotyping and sexual discrimination still exist. As such, the notion that contact must occur in a context of "equal status"/power is problematic due to the historical and contemporary nature of power relations between groups (ibid: 16).

So 'what works' with hate crime interventions?

In exploring the main hate crime interventions across Scotland and England, it is difficult to ascertain what programme may be 'best' given the lack of empirical data and longer-term research on the effectiveness of the programmes. Walters et al (2016[b]: 34), in their very recent review, provide a useful synthesis of the interventions, highlighting common themes such as: the incorporation of cultural/diversity awareness (although the educative aspect is

counterbalanced with a caution not to stray into 'preaching' to offenders); reflecting on attitudes and beliefs; and the impact of hate crime on victims and communities. One-to-one work is viewed as more effective, with the potential for offering group work should this be deemed necessary and appropriate. The authors emphasise that cognitive-based interventions "provide one small part of a very complex strategy for preventing hate crime" (ibid: 34) given all of the underlying causal factors, in addition to individual motivation, in the perpetration of hate crime as described earlier.

Walters et al (2016[b]) ultimately advocate for the establishment of multi-agency partnerships to develop a more holistic response to hate crime, including the incorporation of restorative justice measures as part of the "empathy stage" of the intervention – again however, the evidence base for restorative justice and its application to hate crime is not extensive, and there are debates around the contact hypothesis and direct or indirect contact. Rehabilitative interventions should also involve work that serves to aid offenders' reintegration back into the community such as the development of employability skills (ibid) – arguably, this already constitutes a significant part of the work being undertaken by CJSWs when working with all offenders. They ultimately state that the holistic approach would allow "criminal justice agencies to address hate crime in a way that targets both the offender's individual problems, engages with the communities and peers that the perpetrator must return to, and addresses *some* of the socio-economic factors that give rise to offending behaviour" (ibid: 35). It is not clear from some of the programmes reviewed whether these wider causal factors leading to offending are also addressed but it is nonetheless evident that this will be essential in reducing re-offending, whether analogous hate offending or general.

11. 'What works' with hate crime perpetrators – practitioner skills

Following on from a review of hate crime interventions and their key principles, it will be beneficial to turn to the key knowledge, skills and values for practitioners working with offenders who have committed hate offences. What is very evident from the literature reviewed is that the existing knowledge and practice within CJSW in Edinburgh provides a robust basis for this work, and the fundamental skills, values and ways of working will be familiar to staff.

Working with offenders in general is a challenging aspect of social work, and Lindsay and Danner (2008) argue that working with hate crime perpetrators presents particular challenges. Whilst we may already work effectively with perpetrators of sexual abuse and domestic violence, behaviours which we find 'abhorrent', Lindsay and Danner (2008: 44) posit that what may be more difficult in working with hate crime is "that it exists at one end of a spectrum of prejudice and oppression on which, if we are honest, we find ourselves", and that this can stir up challenging emotions. As such, the authors conjecture that we may therefore as practitioners feel "better" when we assume a confrontational or challenging style with perpetrators. The London Probation Trust (n.d.) add that dealing with offences that involve racial or other differences can provoke anxiety and apprehension, with staff worrying that they may be colluding when listening to the offender's views. Lindsay and Danner (2008) argue that there is a consensus amongst the literature that direct confrontation with perpetrators is unlikely to be successful in the absence of a "meaningful relationship between perpetrator and worker" (ibid: 44). The fundamental role of the practitioner, therefore, is to facilitate a process that will lead the offender to confront their own attitudes and hopefully change – a concept central to the process of desistance from offending in general. The London Probation Trust (n.d: 23) again draw a parallel with some of the professional issues around working with sexual offenders and domestic violence offenders, and add that "many of the skills...are transferable to [hate crime] offenders".

There appears to be a dearth of practical guidance for working with hate crime perpetrators for criminal justice staff in the wider literature. Nonetheless, the London Probation Trust (n.d: 23-25) in their associated DAPP guidance, again provide a useful guide to some of the skills, procedures and aspects of working with hate crime perpetrators for practitioners. This includes:

- **Developing a theoretical perspective** – this is crucial in helping to understand hate crime offending and can decrease demoralisation if practitioners have an understanding of the ideas and processes at work.
- **Co-working** – this may aid workers in dealing with any after-effects of engaging with difficult material and can serve to ensure risk is being regularly assessed (again, appearing to take a lead from sexual offender work).
- **Ground rules and boundaries** – these will need to be established around language and attitudes, with a contract drawn up at the beginning of the intervention. Listening to the offender's views will be important; however these will

need to be elicited in a managed way according to the purpose of the session – it may be necessary to "hear them out" before you challenge. Expressions of prejudiced views should be checked and questioned but this may not be at the time the comment is made. The supervising officer must be skilled in managing the balance between allowing the offender to discuss their views, and challenging appropriately.

- **Recording** – keeping a record of the diaries the offender completes each week as they serve as an evaluation tool, and a detailed written record of the content of the session to help identify indicators of progress.

- **Supervision** – managers should be encouraged to attend training to assist in supervising staff undertaking this work, and staff should make use of support and supervision.

- **Use of relationship** – the relationship between offender and supervising officer is very important (as with all work with offenders). Pro-social modelling and an ability to persist will be crucial. The relationship that a worker builds will play a key part in determining the success of the intervention (key aspects of the supervisory relationship will be expanded upon below).

Dixon and Court (2015) add that practitioners must attempt to focus on engaging the offender and developing the relationship in order to facilitate the exploration of prejudiced views, using desistance themes in relation to listening to their narratives and promoting a new narrative or "script" for the offender. They advocate a motivational approach with the use of open-ended questions, and focus on the uncontested elements of the incidents (they add that this is greatly aided by access to victim and witness statements, which allows the intervention to be victim-focused and avoid collusion – however, as stated, this cannot currently be accessed by CJSWs in Scotland).

Key aspects of the offender-supervising officer relationship

There is a consensus in the literature that interventions aimed at encouraging desistance with *all* offenders should be informed by the concept of 'acceptance', and that this is crucial in work with hate crime offenders. This entails the worker fostering an environment whereby the offender can express their "apprehensions, fears and uncertainties, and examine their use of prejudices to project unacceptable feelings onto stigmatised groups" (GREC 2013: 9). The concept of acceptance in social work has its roots in the work of Carl Rogers, who developed person-centred working and a principle that is now at the heart of social work –

that of "unconditional positive regard" for the client (Rogers 1957 in Lindsay and Danner 2008). Rogers argued that acceptance by the 'therapist' creates a situation in which the person is able to accept themselves – as such, they are then able to grow and change. Lindsay and Danner (2008: 47) posit that this is a "key concept" in working with hate crime perpetrators in that "...it is first necessary to accept oneself before one can accept other people"; an important point when considering the earlier discussions around shame and identity in hate crime perpetrators.

The authors however also highlight Rogers' ideas on creating a therapeutic relationship within the context of child protection or criminal justice in that "...therapy and authority cannot exist in the same relationship" (Rogers 1942: 109 in Lindsay and Danner 2008: 48).   This perhaps indicates a potential tension for CJSWs in attempting to elicit true change within the confines of a Court order – this inherent tension is, of course, not restricted to working with hate offenders. However, from practitioner experience and the desistance literature, it is clear the relationship with the supervising officer is crucial and one within which change can occur.

When considering interventions and practitioner qualities, Lindsay and Danner (2008: 51) highlight the importance of not trying to educate people out of prejudice, "either intellectually or morally", or using a blaming, judgemental, or confrontational approach. They add that the worker "must not come across as someone who knows best or is critical but as someone simply with different principles, values and ways of behaving and who has different ideas about ways of coping with everyday life" (ibid: 52). The authors also refer to the seminal work of Trotter in working with 'involuntary clients', who similarly posits a client-worker relationship based on acceptance and empathy, with a pro-social modelling approach in relation to challenging attitudes and behaviours (Trotter 2006 in ibid: 52). That is not to say that acceptance entails the approval of, or collusion with, the offenders' negative attitudes and behaviour; the ADAPT guidance states, in contrast to the critique of an educative approach, that "positive attitude change can best be achieved by educative means which enhance cultural understanding, empathic abilities, self-awareness, and emotional control" (GREC 2013: 10) – arguably no mean feat for one intervention or one practitioner.

Weinbock (2012: 4-5), in his review of good practice in anti-hate crime and deradicalisation interventions with young offenders, advocates for a *"narrative mode of interaction"*, whereby

the primary interest is the "individual, lifeworld experiences" of the offender (with an assumption that many of these will be negative). It is noted that interventions such as the DAPP and ADAPT include biographical exercises at the beginning of the one-to-one work. He also argues that it is important to inspire trust (as with any social work relationship), with the worker presenting as open, authentic, and genuinely curious about the person and their issues, with a readiness to "*involve themselves as a person*", including appropriate self-disclosure (another tenet in Trotter's work).

Weilnbock also posits a stance of *"critical attentiveness"* during interactions, which involves what he terms as "respectful scepticism" – the worker should express any reasonable doubts or queries on what the offender is saying in a respectful way that maintains the person's dignity. In this way, the approach is both "as accepting as it is confrontational" and the worker clearly differentiates between the individual and the offence – again, there would appear to be parallels in relation to working with sexual and domestic violence offenders. Weilnbock echoes other research in that an over-emphasis on educational topics or intellectual issues will be counterproductive to the relationship; he advocates for the fostering of emotional learning and emotional intelligence, specifically the acquisition of "conflict intelligence, i.e. the ability to handle conflict in productive ways", given the notion that prejudice and hate crime are "first and foremost emotional phenomena" (ibid: 45). He emphasises that workers need to be able to work in a flexible, responsive way that encourages participation; this is echoed by Court et al (2008), GREC (2013), and Dixon and Court (2015).

Lindsay and Danner (2008: 54) provide a useful summation of the key points:

"For the most part the perpetrators of hate crime share the characteristics of other offenders and this extends to their experience of deprivation and disadvantage. Consequently the approaches which are most likely to work are those which are known to be effective with other service users, who experience similar challenges...those that combine a positive relationship between worker and client which is based on mutual acceptance. This...includes recognition of clear and agreed boundaries of roles and behaviour but is based on fundamental respect and a desire for understanding of the other person...this acceptance

must take a dynamic form in which the worker is actively engaged in attempting to achieve the aim of personal change..."

It would therefore appear that the skills and approaches we are already employing as CJSWs are equally applicable when working with hate crime offenders.

A note on difference and diversity issues for practitioners

Again, the London Probation Trust (n.d.) provide guidance on this, highlighting that 'minority' staff members may find the work difficult. They advise that in the past, their policy was for Black and Asian probation officers to have the choice of opting in to the work, and although this is no longer the case, there is an acceptance by managers that this work may impact staff from ethnic minorities differently. In-depth consideration is not given to staff with the other protected characteristics, with one sentence stating: "staff may find it difficult to work with other forms of hate crime depending on their orientation or religious persuasion" (ibid: 25). For workers from ethnic minorities, it is suggested that they undertake training opportunities related to the work which will assist them to explore their own feelings in relation to working with racist offenders, utilise support and supervision, develop strategies and skills to challenge offending behaviour, and identify the potential high risk scenarios involved in the work (it is unclear whether this relates to offenders' risk or risks associated with workers). The authors also include a guidance note for white staff, expressing that in their experience, "many white staff lack confidence in their competence to change offenders attitudes" (ibid) - this would be an interesting area for further research. Again, the Trust highlight that training opportunities will assist white staff to: explore their own attitudes towards race and racism; develop strategies to deal with collusion and minimisation; familiarise themselves with useful practice materials; and develop confidence in challenging offenders' views – areas which would, ostensibly, be beneficial to all staff. It must be noted that this is guidance for probation staff; as such it could be argued that the different training and the sound ethical framework and value base within social work in Scotland provides a solid grounding for discourse around these types of considerations and issues.

In addition, Dixon and Court (2015) emphasise that staff must be familiar with the demographics of the communities within which they are working, as well as perceptions of community cohesion and information about the target groups/victims – an area for further research may perhaps be a community profile of the North area of Edinburgh (or other

relevant areas within the city) and a mapping of the relevant community groups. The influence of political ideologies is highlighted by Dixon and Court (2015) as a factor for staff to be aware of, particularly when there is potential for more entrenched views and an attraction to extremist groups.

It would appear that general skills and principles in relation to working with all offenders are highly relevant to this area of practice. As such, additional training in the specifics of hate crime offending, the one-to-one hate crime intervention being utilised, and a working knowledge of the diversity and cohesion (or lack thereof) pertaining to the communities in which we are based will serve to enhance practitioners' existing knowledge and skills.

12. Assessment and intervention with perpetrators of hate crime – summary guidance for practitioners

Ideally, all practitioners assessing and managing hate crime perpetrators will undertake training in relation to hate crime awareness (the harms and nature of hate crime, causes, motivations, and the typology of offenders), and the intervention being utilised.

Assessment of Risk
- Utilise an appropriate tool to assess the offender's level of prejudice at the CJSW Report interview at the pre-sentence stage, such as an adapted version of the 'Client Questionnaire';
- Follow standard local and national risk assessment procedures and use of LS/CMI and/or other relevant risk assessment tools;
- Information-gathering from relevant professionals to assess levels of prejudice and/or previous analogous behaviour, particularly housing department/anti-social behaviour teams;
- From the multi-agency assessment and use of the attitudinal questionnaire as well as LS/CMI, the level of intervention will be decided based on the assessed level of prejudice and likelihood of re-offending or of harm to the victim or identity group;
- **Low risk of harm/re-offending** – no intervention and supervision not recommended (consider a financial penalty or unpaid work);

- **Medium or high risk of harm/re-offending** – consider the potential for supervision and for undertaking focused work via the ADAPT programme, as well as addressing any other risks/needs as per a standard Community Payback Order;
- **Very serious offending and/or resistant offenders** – these offenders may receive a custodial sentence and the usual risk management procedures would apply.

Interventions

- Build a supervisory relationship with the offender characterised by trust, acceptance, understanding, non-judgemental/non-labelling approach, pro-social modelling, and appropriate challenging;
- Establish ground rules and boundaries (around use of language and attitudes), but allow the offender to identify and express their prejudices as part of the intervention – maintain a balance between this and appropriate challenging;
- Utilise a structured intervention such as ADAPT, having ideally been trained in the use of the intervention. Ensure there are components on the offender's background and life experiences, victim awareness/victim empathy, conflict/anger management and emotional regulation, and cultural/diversity awareness – this should not take the form of 'preaching';
- Where possible and appropriate, consider the use of a Restorative Justice approach or practice following on from the victim awareness/empathy work;
- Make good use of supervision to discuss the work and any professional or personal issues that may arise from it.

13. Conclusion

This literature review set out to first examine what we mean by 'hate crime', highlighting the difficulties around the term 'hate' inasmuch that perpetrators may not be truly motivated by *hate* for their victims, and the potential for obscuring the everyday, 'ordinary' experiences of prejudice that people may encounter. The difficulties surrounding the reporting of hate crime were discussed, before examining the scope of hate crime in Scotland and Edinburgh and highlighting the overall increase in reported hate crimes. Data relating to CJSW services in Edinburgh was outlined, demonstrating the amount of CJSW Reports completed for hate

crimes, the preferred options of report writers, and the outcomes of some of these reports. This highlighted that supervision is the most common outcome, and very little use of compensation as a recommended option or disposal. The small group of practitioners consulted highlighted a gap in their knowledge of hate crime, risk assessment, and interventions in this area of practice.

The nature of hate crime was explored, drawing attention to the additional complexities around intersectionality, hate crime on the internet, extremism, and gendered violence. A brief discussion of the impact of hate crime on victims and communities noted that this type of offending can have a more detrimental effect on victims and groups than other types of offending, again highlighting the need for a robust response to hate crime and the fostering of victim awareness – both for offenders, but also for practitioners. The differing causes of hate crime were outlined, although these were by no means exhaustive, indicating that the formation of prejudice and prejudice-related offending can occur at individual and structural levels, linking to socio-economic disadvantage and perceptions of threat, and political rhetoric and the media can also have an influence. When examining the demographics of hate crime perpetrators, there is some consensus in the literature on a significant proportion of these being young, white males who may be unemployed or in low-income employment, potentially exacerbated by substance use and with previous convictions for general offending. Nonetheless, reducing offenders to a certain type or category is cautioned against due to the range of offenders, offences, and causal factors we may deal with. The oft-cited typology of hate crime offenders posited by McDevitt and Levin (1993; 2002) was outlined, indicating that these offenders can be categorised into four main 'types': thrill-seeker, defensive, retaliatory, and mission offenders. However, this research did not include individuals who victimised disabled or transgender people and may therefore have some limitations.

An attempt was made to examine risk assessment and risk factors in relation to hate crime offenders; however there appears to be very little literature on this topic and information was largely drawn from the London Probation Trust who have highlighted dynamic risk factors based on previous research and practitioner experience. There are clear parallels with some of these risk factors in relation to general offending, and a question was posed around being able to truly assess risk in this area of practice given the difficulties in assessing ostensibly intangible factors such as attitudes and motivations. In addition, the limitations of

the current formal criminal justice and risk management processes were highlighted in relation to developing victim-offender contact and restorative approaches.

An overview of several of the leading hate crime interventions for perpetrators highlighted that the main Scottish programme, ADAPT, is not widely-known amongst practitioners, and the only Scottish-based hate crime programme within a custodial environment is no longer in operation. It is evident that there has been very limited research and evaluation undertaken in relation to the true efficacy of the programmes discussed. Key features of 'successful' interventions have been highlighted, noting that the incorporation of cultural/diversity awareness (although the educative aspect is counterbalanced with a caution not to stray into 'preaching' to offenders); reflecting on attitudes and beliefs; and the impact of hate crime on victims and communities will be essential to any intervention. One-to-one work is viewed as more effective, with the potential for offering groupwork should this be deemed necessary and appropriate. The literature highlights that addressing the wider causal factors related to offending will also be of key importance, and the addition of restorative practices (as part of the 'empathy stage' of an intervention) could lead to better outcomes for victims and a potential reduction in analogous offending.

Finally, the key practitioner skills and values relevant to working with hate crime perpetrators were outlined. This highlighted that the existing underpinning knowledge and skills that practitioners may have is of key importance, given the similarities in working with domestic violence, sexual, and general offenders. The concepts of acceptance and unconditional positive regard have been highlighted as important, with an open, authentic and 'critically attentive' style with hate crime offenders viewed as useful. Developing a theoretical understanding of hate crime and its dynamics will be of additional benefit to practitioners, and an awareness of their own experiences of prejudice and how they may relate to the protected characteristics.

Overall, in exploring what works with hate crime offenders, particularly in a Scottish context, there is a lack of focus in relation to the very organisations working with perpetrators – CJSW services. The following recommendations are made which aim to be of benefit to practitioners and other key stakeholders in the hate crime field.

14. Gaps in knowledge and recommendations

- Reflecting the complexities around definitions of hate crime, intersectionality, and the possibility of other targeted groups being included in hate crime legislation, it will be important for CJSW to remain up-to-date with these changes, and where possible feed into the review of legislation as a service at the forefront of working with perpetrators.

- It would be beneficial for there to be a strong CJSW presence on any local and national strategic groups relating to hate crime, again given the position of the service in working with perpetrators.

- At a local level, it will be useful for CJSW teams to monitor the levels of hate crime in terms of the number of CJSW Reports being requested and community orders made by the Court in relation to hate crime.

- It will be beneficial for practitioners to develop a working knowledge of the nature of hate crime, including an awareness of intersectionality, hate crime and hate speech on the internet, extremism, and the possible links to gendered violence. In addition, an understanding of the impact of hate crime on victims and communities will be essential, particularly at the Court report-writing stage and when assessing risk.

- Increasing knowledge of the causes of hate crime, in relation to individual, familial, structural, and socio-economic factors, will also be of benefit to practitioners.

- Linked to this, developing knowledge of the characteristics and typology of hate crime offenders, whilst being aware they are not a homogenous group and certain forms of 'hate' offending do not fit neatly into the typology, will be of benefit for staff undertaking relevant assessments and interventions.

- In line with the Report of the Independent Advisory Group (2016), further research into the perpetrators of hate crime in Edinburgh and/or Scotland would be of significance, exploring in particular their characteristics, attitudes and motivations.

Furthermore, research on different forms of hate crime, for example offences against those with disabilities, would be of benefit, with the potential for 'new' typologies to be developed.

- The development of a more robust risk assessment in relation to hate crime offenders would be an important next step, perhaps adapting the existing 'Client Questionnaire' developed by the London Probation Trust or sourcing and adapting an alternative measure or checklist to assess prejudice, particularly for use at the Court report stage. Importantly, gaining access to victim and witness statements where a hate crime has been committed would serve to enhance risk assessment and intervention with this client group and provide a more credible response to the Courts.

- Developing and enhancing knowledge for practitioners in relation to the diversity in the local areas in which teams are situated will be beneficial and will allow staff to have an overview of the community cohesion or potential tensions that may arise.

- A closer examination of the existing hate crime programmes in Scotland (and, where relevant, England) and their features in order to develop an Edinburgh-based intervention would be of benefit; this may involve undertaking training in the ADAPT programme with a view to adjusting it for local relevance.

- There may be scope for the development of a 'brief intervention' in relation to low-level hate crime, whether this be as part of a diversionary scheme or a short community order – a further exploration of the Smile Mediation Hate Crime Awareness Programme may therefore be of use, as this utilises a briefer intervention. Further discussions with the Crown Office and Procurator Fiscal Service in examining the feasibility of a diversion scheme could also be of benefit.

- Further research into the feasibility of restorative justice measures with hate crime offenders will be essential, given the very personal nature of most hate crime and the lack of research in this area. A joining-up of any restorative justice developments and hate crime will be important.

- It is acknowledged that the work already done with all offenders is relevant in the field of hate crime; however it will be useful for practitioners to be aware of some of the additional dynamics the work can bring, and a reinforcement of the skills and knowledge required for the work. The establishment of a 'knowledge hub' (whether local or national) in relation to hate crime would enhance this and could include national/local policy documents, intervention and practice guides, and any other relevant literature on the topic – the implementation of Community Justice Scotland in April 2017 and the ensuing creation of the Hub for knowledge, innovation, and learning could be a timely development in this regard.

- Making links with the Scottish Prison Service and examining the provisions for hate crime perpetrators serving custodial sentences could be of potential benefit; further research would first need to be undertaken on the numbers and demographics involved in order to look at the feasibility of this.

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Appendix 1

List of organisations contacted

The author met with professionals from the following organisations:
- The University of Edinburgh
- Police Scotland - Preventions, Interventions, Partnerships & Licensing Department (Hate Crime); National Safer Communities Unit (Hate Crime)
- The City of Edinburgh Council – Lead Officer; Criminal Justice Social Workers
- The Crown Office and Procurator Fiscal Service
- Shakti Women's Aid
- The Scottish Government
- Victim Support Scotland

The author contacted and corresponded either via e-mail or telephone with:
- Criminal Justice Social Work team managers in Edinburgh
- The Willow Service, City of Edinburgh Council
- The Young People's Service, City of Edinburgh Council
- Newcastle University
- The Centre for Youth & Criminal Justice
- London Probation Trust (Community Rehabilitation Company)
- Police Scotland
- East Lothian Criminal Justice Social Work
- Glasgow City Council Criminal Justice Social Work
- Dr Carmen Fyfe; reviewed ADAPT whilst at Robert Gordon University
- Grampian Regional Equalities Council
- The Chair of the Independent Advisory Group for Hate Crime, Prejudice and Community Cohesion
- The Scottish Prison Service

The author contacted but received no response from:
- West Lothian Criminal Justice Social Work
- Midlothian Criminal Justice Social Work
- Aberdeen Criminal Justice Social Work
- Dundee Criminal Justice Social Work
- West Yorkshire Probation Service
- The Iona Community
- A Lothian Association of Youth Clubs Talking Sectarianism meeting scheduled for 06 December 2016 was cancelled
- A Transport Advisory Group (City of Edinburgh Council) meeting was missed due to a change of time.

Appendix 2

Client Questionnaire

London Probation Diversity Awareness & Prejudice Pack - a toolkit for work with prejudice and hate

CLIENT QUESTIONNAIRE

Here we are concerned with your views about the incidents(s) which resulted in you going to court and your views on race and culture. Please read the statements below and indicate the extent to which you agree.

		Please tick one box only (√)				
		Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
1.	I was in a bad way and lost it generally.					
2.	I reckon that what happened was just an unfortunate accident.					
3.	Thinking about it now he/she did not deserve it.					
4.	It seems to me that one thing led to another and it just happened.					
5.	I feel that the victim provoked me – they got what was coming to them.					
6.	If they had done what they were meant to do then it might never have happened.					
7.	I accept that I am entirely to blame for what happened.					
8.	In my opinion my temper is a problem for me.					
9.	What I did was so serious that I deserved to be taken to court.					
10.	I think that I really did want to hurt him/her.					
11.	I think that people are equal regardless of their colour.					
12.	Minority ethnic people should conform more to British ways. **Or** Homosexual people should conform more to heterosexual ways. Muslims should conform more to mainstream culture.					
13.	Minority ethnic people get a lot of privileges that white people don't get. **Or** Gay people get more priviliges than straight peole. Muslims get preferential treatment.					
14.	It makes me angry when I see ethnic minority people wearing different clothes to me and when they speak a different language.					
15.	I have a strong sense of my own culture.					
16.	I think that racial groups should live separately. Or I think gay people should live seperately I think all religious groups should live seperately.					
17.	I think that all different ethnic/religious groups in a community should mix with each other.					
18.	Black people have the same access to housing as white people.					
19.	I think that my attitude to black(gay/ Muslim/Jewish..)people puts me at risk of further offending.					
20.	I accept that some of my attitudes need to be addressed because they get me into trouble and cause grief to others.					

'Client Questionnaire' as included in the Diversity Awareness & Prejudice Pack, devised by the London Probation Trust (no date given). This could be used as a basis for a pre-sentence 'checklist' and adapted for CJSW use in Scotland at the CJSW Report stage, and to take into account the other protected characteristics. However, it is unclear as to where this tool is derived from and whether it has been evaluated for use with hate crime offender

populations. The tool is also lengthy and may require some explanation when administering to offenders; this may pose difficulties given the inevitably time-limited nature of a CJSWR interview. As such, it may be useful as guidance for developing an assessment checklist which incorporates some of the questionnaire's features, and/or a basis for sourcing similar alternative measures of assessing prejudice.